



THE

JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 128] Jammu. Thu., the 23rd April, 2015/3rd Mai., 1937. [No. 4

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PART I-A

Jammu & Kashmir Government—Orders

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU.

Order

No. 1246 Dated 24-03-2015.

In exercise of powers vested under Chapter-XVII (Oath Commissioner) of Rule 186 of Jammu and Kashmir High Court of Rules, 1999, Hon'ble the Chief Justice has been pleased to appoint below mentioned Advocates as Oath Commissioners from Sr. Nos. 1 to 2 for a period of two years, from the date of order and for the area shown against their respective names :—

S. No.	Name of the applicant	Date of birth	Date of enrollment	Area
1.	Arjun Singh	25-12-1989	23-07-2013	District and Sessions Court, Jammu.
2.	Mushtaq Ahmad Mir	01-12-1982	16-12-2013	District and Sessions Court, Kupwara.

The Oath Commissioners, so appointed shall strictly comply with the conditions laid down in the rules and maintain requisite registers and receipt books as required under Rules 190 to 195 of the said rules.

By order.

Notification

No. 1081 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Seerat-ul-Sualeh D/o Mr. Nisar Ahmad Ahangar R/o Khaja Pora, Nowshera, Near Shrine of Khwaja, Habibullah, Srinagar vide Notification No. 1012 dated 18-03-2014 has been declared as absolute/final.

Notification

No. 1082 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Juhi D/o Mr. Romesh Kumar Watel R/o H. No. 69, Durga Nagar Enclave, Sector No. 1, Jammu vide Notification No. 214 dated 18-07-2013 has been declared as absolute/final.

By order.

Notification

No. 1083 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Parvaiz Ahmad Lone S/o Mr. Mohammad Rafiq Lone R/o Ushkara, Baramulla vide Notification No. 507 dated 05-09-2013 has been declared as absolute/final.

By order.

Notification

No. 1084 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Saima Rasool D/o Mr. Ghulam Rasool Sofi R/o Abu Bakar Colony, Habak Hazartbal, Srinagar vide Notification No. 568 dated 20-09-2013 has been declared as absolute/final.

By order.

Notification

No. 1085 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Adil Hameed S/o Mr. Abdul Hamid Paul R/o

Notification

No. 1086 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Tasaduq Ahmad Bejard S/o Mr. Mohd. Yaqoob Bejard R/o Hariganiwan, Mohalla Takiabal, District Ganderbal vide Notification No. 873 dated 09-01-2014 has been declared as absolute/final.

By order.

Notification

No. 1087 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Sahil Sharma S/o Mr. Dharam Paul Sharma R/o Village Malla, C/o Jagdish Raj Prov. Store, P/O Kangri, Tehsil Akhnoor, District Jammu vide Notification No. 264 dated 23-07-2013 has been declared as absolute/final.

By order.

Notification

No. 1088 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Khurshid Ahmad Dar S/o Mr. Ali Mohammad Dar R/o Mustafa Abad, Pahroo, Tehsil Chadoora, District Budgam vide Notification No. 405 dated 04-09-2013 has been declared as absolute/final.

Notification

No. 1089 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Azhar Yousuf S/o Mr. Mohd. Yousuf Khan R/o Gopal Pora, Khurd, Anantnag vide Notification No. 579 dated 29-11-2012 has been declared as absolute/final.

By order.

Notification

No. 1090 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Kafeel Anwar S/o Mr. Mohd. Rafiq Mirza R/o Behrote, Tehsil Thanamandi, District Rajouri vide Notification No. 571 dated 20-09-2013 has been declared as absolute/final.

By order.

Notification

No. 1091 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mir Mudhasir Jeelani S/o Mir Jeelani R/o Gantamulla, Bala, District Baramulla vide Notification No. 579 dated 20-09-2013 has been declared as absolute/final.

By order.

Notification

No. 1092 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Snirodha Shekher S/o Mr. Chander Shekher Gupta

Notification

No. 1093 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Samreen Nabi Monga D/o Mr. Gh. Nabi Monga R/o Village Zehanpora, Boniyar, Baramulla, A/P.H. No. 35, Rawalpora, Housing Colony, Sanat Nagar, Srinagar vide Notification No. 527 dated 01-11-2012 has been declared as absolute/final.

By order.

Notification

No. 1094 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Saima Muzafar D/o Mr. Muzafar Ahmad R/o Near Rozat-ul-Salihaat, Badam Bagh-C, Sopore, Baramulla vide Notification No. 108 dated 23-05-2013 has been declared as absolute/final.

By order.

Notification

No. 1095 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Sadaf Sareen Khan D/o Mr. Gulam Mohi-ud-Din Khan R/o Chanpora, Khan Mohalla, Srinagar vide Notification No. 414 dated 04-09-2013 has been declared as absolute/final.

Notification

No. 1096 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Rubbia Habib D/o Mr. Habib Ullah Dar R/o Zirpora, Bijbehara, District Anantnag vide Notification No. 496 dated 04-09-2013 has been declared as absolute/final.

By order.

Notification

No. 1097 Dated 06-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Mr. Mohd. Zayied S/o Mr. Mohd. Azam R/o Mangotra, Thanna Mandi, Rajouri vide Notification No. 788 dated 01-03-2013 has been declared as absolute/final.

By order.

Notification

No. 1104 Dated 21-01-2015.

Provisional admission as an Advocate granted under the Advocates Act, 1961 in favour of Ms. Samiya Shakeel D/o Mr. Late Shakeel Ahmad Bhat R/o Sheshyar, Habba Kadal, Srinagar vide Notification No. 485 dated 05-09-2013 has been declared as absolute/final.

By order.

Notification

No. 1106 Dated 27-01-2015.

This is to notified that Ms. Asmat Quansar D/o Mr. Ghulam Muhammad Mir R/o Naz Colony, Sector-A, Bandipora has to perform higher studies has surrendered her absolute enrolment notification as an Advocate, vide her application dated 19-01-2015. Therefore, her Absolute Enrolment Notification No. 1042 dated 05-01-2015 has been kept in abeyance from the date of submission of application i. e. 19-01-2015.

By order.

Notification

No. 1108 Dated 07-02-2015.

This is to notified that Mr. Mudasir Hainid S/o Mr. Ab. Hamid Waza R/o Wanipora, Saloora, Near Physical College of Education, Ganderbal has got Government job and has surrendered his enrolment certificate as an Advocate. Thus, his Enrolment Certificate bearing No. JK-248/08 dated 11-03-2010, has been kept in abeyance w. e. f. 09-01-2015.

By order.

(Sd.) G. M. PARRY,
Joint Registrar (Adm.).

Notification

No. 1107 Dated 02-02-2015.

In pursuance of Government of India, Ministry of Law and Justice (Department of Justice), New Delhi's Notification No. K. 13021/04/2014-US. II dated 22nd January, 2015, Hon'ble Justice Narayanan Nadar Paul Vasanthakumar, took Oath of Office as a Chief Justice of the High Court of Jammu and Kashmir, on 2nd February, 2015 at 11.00 A. M.

Notification

No. 1317 Dated 04-03-2015.

In pursuance of Government of India, Ministry of Law and Justice (Department of Justice), New Delhi's Notification No. K. 13021/03/2014-US. II dated 3rd March, 2015, Hon'ble Justice Janak Raj Kotwal, took Oath of Office as a Judge of the High Court of Jammu and Kashmir, today the 4th of March 2015 at 12.30 P. M.

(Sd.) KANEEZ FATIMA,

Registrar General.

Corrigendum

Please read JK-371/2013 instead of JK-372/2013 issued vide Provisional Notification No. 408 dated 04-09-2013 in favour of Shri Adil Hameed S/o Mr. Abdul Hamid Paul R/o Buchroo, Jamia Masjid Mohalla, Tehsil Chasoora, District Budgam.

By order.

Corrigendum

Please read JK-356/2013 instead of JK-357/2013 issued vide Provisional Notification No. 390 dated 04-09-2013 in favour of Shri Asif Amin Rathore S/o Mr. Mohammed Amin Rathore R/o 170-A, Shah Anwar Colony, Bye-Pass, Hyderpora, Srinagar.

Corrigendum

Please read JK-241/2014 instead of JK-234/2014 issued vide Provisional Notification No. 337 dated 14-07-2014 in favour of Shri Waseem Rasool Dar S/o Mr. Gh. Rasool Dar R/o Bunpora, Near Aircel Tower, Badipora, Chadoora.

By order.

Corrigendum

Please read JK-367/2013 instead of JK-368/2013 issued vide Provisional Notification No. 389 dated 04-09-2013 in favour of Shri Toufiq Ahmad S/o Late Mr. Ghulam Mohammad Hazar R/o Lal Bazar, Srinagar.

By order.

Corrigendum

Please read JK-365/2013 instead of JK-366/2013 issued vide Provisional Notification No. 405 dated 04-09-2013 in favour of Shri Khurshid Ahmad Dar S/o Mr. Ali Mohammad Dar R/o Mustafa Abad, Pahroo, Chadoora, Budgam.

By order.

(Sd.) RAM SINGH,

Deputy Registrar (Adm.).



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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART I-B

Jammu and Kashmir Government—Notifications.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—GENERAL ADMINISTRATION
DEPARTMENT
(Administration Section).

Subject :—Amendment in the J&K Government Business Rules.

Government Order No. 150-GAD of 2015

Dated 09-02-2015.

Sanction is hereby accorded to —

- (a) the deletion of the entry appearing at Serial No. 13 (Floriculture Department), in the First Schedule of the J&K Government Business Rules and assigning the following subjects to the Agriculture Production Department in addition to the already assigned subjects, which shall appear at Serial No. 14 and 15 :—

- (b) the deletion of the entry appearing at Serial No. 10 (Fisheries Department), in the First Schedule of the J&K Government Business Rules and assigning the subject of "Fisheries Development" to the Animal Husbandry Department, which shall appear at Serial No. 6.

By order of the Government of Jammu and Kashmir.

(Sd.) RAJESH SHARMA,

Additional Secretary to the Government,
General Administration Department.

GOVERNMENT OF JAMMU AND KASHMIR,
CIVIL SECRETARIAT—PUBLIC WORKS (R&B) DEPARTMENT
(HRM BRANCH)

Subject :—Final seniority list of Superintending Engineers (Civil) as it stood on 24-11-2011.

Government Order No. 57-PW (R&B) of 2015

Dated 04-03-2015.

Whereas, vide Government Order No. 304-PW (R&B) of 2014 dated 14-07-2014 a tentative seniority list of Superintending Engineers (Civil) of R&B Department as it stood on 24-11-2011 was notified and objections, if any, were invited from the members of the service ;

Whereas, the tentative seniority list was also published in leading daily newspapers on February 13, 2015 giving 15 days time for filing objections from the date of publication ;

Whereas, the department has not received any objections in respect of the said tentative seniority list within the stipulated time.

final seniority list shall not be taken as final and shall be subject to further verification from service book/Matriculation Certificate of the concerned officers.

Further, this shall be subject to superior claim of their seniors in whose case the DPC/PSC withheld recommendations for want of vigilance clearance etc.

By order of the Government of Jammu and Kashmir.

(Sd.) TANVEER JEHAN, IAS,

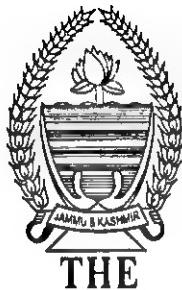
Commissioner/Secretary to the Government.
Public Works (R&B) Department.

*Annexure to Government Order No. 57-PW (R&B) of 2015
dated 04-03-2015.*

S. No.	Name of the Officer	Date of birth	Date of regularization as Superintending Engineer
01	Mr. Alok Mengi	02-04-1957	01-04-2008
02	Mr. Mohammed Amin Taka	27-03-1954	06-05-2008
03	Mr. Om Kumar Chadgal	06-06-1955	06-05-2008
04	Mr. Puran Bharat Gandhi	16-01-1956	06-05-2008
05	Mr. Tilak Raj Bhagat	22-04-1957	17-02-2009
06	Mr. Devi Dass Gorka	20-10-1956	17-02-2009
07	Mr. Parshotam Lal	07-01-1959	17-09-2009

(Sd.) NADEEM IQBAL,

Under Secretary to the Government,
Public Works (R&B) Department.



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PART II—A

Orders by Heads of Departments.

CHARGE REPORTS

In compliance to Government Order No. 364-GAD of 2015 dated 15-03-2015, we the undersigned have handed over/taken over the charge of the post of Director, Estates, J&K today on 16th of March, 2015 afternoon.

(Sd.) SHEIKH FAYAZ AHMAD, KAS.

Relieved Officer.

(Sd.) DR. G. N. ITOO, KAS.

Relieving Officer.

In pursuance to the Government Order No. 364-GAD of 2015 dated 15-03-2015, we the following Officers have handed over/taken over the charge of Commissioner, Jammu Municipal Corporation today on 16-03-2015 (A. N.)

Station : Jammu.

Dated : 16-03-2015.

(Sd.) ER. KIRAN WATTAL.

Relieved Officer.

(Sd.) SOUJANYA SHARMA, KAS.

Relieving Officer.



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PART II—B

Notifications, Notices and Orders by the Heads of the Departments.

**OFFICE OF THE ASSISTANT COMMISSIONER, REVENUE
(COMPETENT AUTHORITY), KATHUA.**

Corrigendum

Subject :—Correction regarding the area of No. Khasra 58/35 min is 11 Kanals 19 Marlas instead of 11 Kanals 17 Marlas (Increased 2 Marlas having kind of soil Warhal Awal), the total area under acquisition is 24 Kanals 05 Marlas instead of 14 Kanals 03 Marlas (Area Increased by 02 Marlas).

The land measuring 14 Kanals 03 Marlas situated at Village Chak Devia, Tehsil and District Kathua was notified vide this Office Notification No. 12 dated 08-05-2014 issued under endorsement No. DCK/LHS/2014-15/35-45 dated 08-05-2014 under sub-section (1) of section 3 of the Jammu and Kashmir Underground Public Utilities (Acquisition of Rights of User in Land) Act, 2014 for the purpose namely underground laying of gas pipelines

or any other utility. In this notification, against the item mentioned at S. No. 11, the area of Khasra No. 58/35 min may be read as 11 Marlas instead of 09 Marlas (Increased by 02 Marla) having kind Warhal Awal. The total area under acquisition of rights of user in land shall be read notified as 14 Kanals 05 Marlas instead of 14 Kanals 03 Marlas (Increased by 02 Marlas) situated at Village Chak Devia Tehsil and District Kathua for the purpose mentioned above.

Kind of Land

	Warhal Abal	Pail abi	Total Area
Note	K. M.	K. M.	K. M.
	11 19	02 06	14 05

(Sd.) S. P. RUKWAL, KAS.

Assistant Commissioner, Revenue
(Competent Authority),
Kathua.

OFFICE OF THE ASSESSING AUTHORITY, CTO CIRCLE,
UDHAMPUR-II.

Notification

It has been reported by M/s Balbir Singh, Wine Shop, Arnas, Udhampur bearing TIN 01981191488 that A Forms No. 32534 and 32535 have been lost and the matter stands published in the public newspapers :

1. Kashmir Times dated 05-02-2015.
2. State Times dated 05-02-2015.

Hence, the below mentioned A Forms are declared invalid for the purpose of J&K CST Act, 1956/the J&K GST Act, 1962/the J&K VAT Act, 2005. Any body fraudulently using the said A Form will render himself liable for penal action as per law.

The person who found these Forms will please return the same to the undersigned.

No. of A Forms No. : 02 (Two)

S. No. of Forms : 32534 to 32535

Name and Address of the dealer to A Forms No. issued by the Department : M/s Balbir Singh Wine Shop, Arnas Udhampur.

Registration No./TIN : 01981191488.

Whether Lost/Stolen or destroyed : Lost

Address of the dealer to whom C Forms/A Forms/VAT-65 Forms No. issued : Nil

(Sd.).....

Commercial Tax Officer,
Circle Udhampur-II.

OFFICE OF THE SUB-DIVISIONAL MAGISTRATE,
R. S. PURA.

Notification under section 4(1) of Land acquisition Act No. X of 1990 BK.

Whereas, Inspector general HQ, FRT, BSF vide No. AXXV/BOP-KT Khurd/Engg/2012/829-31 dated 25-01-2012 has placed an indent for the Acquisition of Land detail of which is given below in Village Korotana Khurd, Tehsil R. S. Pura, District Jammu for the establishment of BOP Korotana Khurd-135 BN BSF namely "Korotana Khurd" at the same village, Tehsil R. S. Pura, District Jammu.

Specification of land

District	Tehsil	Village	Khasra Nos.	Area
Jammu	R. S. Pura	Korotana Khurd	85 min	K. M. 00-08
			106 min	07 05
			115 min	05-05

In exercise of the powers conferred upon me under section 4 (1) of the Land Acquisition Act, Svt. 1990 BK. I. R. K. Sharma, KAS, Collector, Land Acquisition (Sub-Divisional Magistrate), R. S. Pura do hereby notify that the land measuring 12 Kanals 18 Marlas in Village Korotana Khurd, Tehsil R. S. Pura, District Jammu, particulars of which shown above is likely to be needed for public purpose namely for Border Fencing (135 feet wide strip) at Village Korotana Khurd. Objections, if any, to the acquisition of the said Land be received by undersigned within 15 days from the date of publication of this notification in Government Gazette.

(Sd.) R. K. SHARMA, KAS,

Collector, Land Acquisition,
Sub-Divisional Magistrate,
R. S. Pura.

OFFICE OF THE COLLECTOR, LAND ACQUISITION
(ASSISTANT COMMISSIONER, REVENUE), BARAMULLA.

Subject :- Acquisition of land for construction of 132KV Delina-Baramulla Railway Station Transmission Line by TLMD-III, Amergrah.

Reference :-Executive Engineer, TLMD-III, Amergrah's Indent Letter No. EE/TLMDA/903-04 dated 10-01-2015 and Shajra and Khasra furnished by Tehsildar, Baramulla vide No. 1183/OQ dated 31-12-2014.

Notification under section 4(i) of Land Acquisition Act.

In exercise of the powers vested in me under the provisions of section 4, sub-section (1) of J&K Land Acquisition Act, Samvat 1990, I, Collector, Land Acquisition, Baramulla (Assistant Commissioner, Revenue), Baramulla do hereby notify the land for public purpose namely construction of 132KV Delina-Baramulla Railway Station Transmission Line by TLMD-III, Amergrah (Land measuring 10 Marals and 08 Srs.).

Particulars of land

District	Tehsil	Village	Khasra Nos.	Area
Baramulla	Baramulla	Delina	2455	M. S. 05-04
			3220/1	05-04

Objections, if any, will be received by the undersigned up to 15 days from the date of issuance of the notification. Interested persons/Land owners will put forth their objections, if any, personally or through an authorized agent within stipulated time. Meanwhile, proceedings under rules will be initiated.

(Sd.).....

Collector, Land Acquisition,
Assistant Commissioner (Revenue),
Baramulla.

IN THE COURT OF MUNSIFF JUDICIAL MAGISTRATE.
1ST CLASS, KATRA.

Present : Meyank Gupta

State through Police Station Katra Vs. Nemo

Proclamation under section 550 Cr. P. C.

Whereas, the Police of Police Station, Katra on 01-10-2012 seized one Motor Cycle bearing registration No. JK02S-1694, Chassis No. DDF-BAF-67344 and Engine No. DDM-BJF-32936 :

Whereas, complaint under section 550 Cr. P. C. has been filed in this court by Police Station, Katra regarding said vehicle.

Therefore, by virtue of this proclamation, the public in general is informed that if any person has any right or claim over the said vehicle, he/she/they may appear in person or through his/her/their representative in this court to prove his/her/their claim regarding the said vehicle within a period of six months from the date of publication of this notice/proclamation failing which the same shall be disposed of under law.

Given under the hand and seal of this court today on 31st of January, 2015.

(Sd.)

Munsiff.

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COURT OF JUDICIAL MAGISTRATE, 1ST CLASS
(SUB-JUDGE), JAMMU.

Present : Manoj Parihar

State through SHO. . Vs. Nemo
Police Station, Katra.

Proclamation under section 523 Cr. P. C.

Whereas, the Police Station, Katra has seized an unclaimed Maruti Car bearing Chassis No. SB 308-IN256289 and Engine No. Q/F8B-IN-350797 found in suspicious circumstances vide report No. 22 dated 11-07-2008 and seized under section 550 Cr. P. C. :

Whereas, the said seizure by Police Station, Katra has been reported to this court under section 523 Cr. P. C.

Therefore, through the medium of this proclamation, the public in general is informed that if any person has any right or claim over the above said items, he/she/they may appear in person or through his/her/their representative in this court on or before 18-02-2015 and establish his/her/their claim regarding the said items within a period of six months from the date of publication of this notice/proclamation, failing which the same shall be disposed of under law.

Given under my hand and seal of this court today on 4th day of December, 2014.

(Sd.).....

Judicial Magistrate, 1st Class.
(Sub-Judge), Katra.

COURT OF JUDICIAL MAGISTRATE, 1ST CLASS
(SUB-JUDGE), JAMMU.

Present : Manoj Parihar

State through SHO. Vs. Nemo
Police Station, Katra.

Proclamation under section 523 Cr. P. C.

and Engine No. 32388 SGL-ML, found in suspicious circumstances vide report No. 38 dated 05-11-2008 and seized under section 550 Cr. P. C.:

Whereas, the said seizure by Police Station Katra has been reported to this court under section 523 Cr. P. C.

Therefore, through the medium of this proclamation, the public in general is informed that if any person has any right or claim over the above said items, he/she/they may appear in person or through his/her/their representative in this court on or before 18-02-2015 and establish his/her/their claim regarding the said items within a period of six months from the date of publication of this notice/proclamation, failing which the same shall be disposed of under law.

Given under my hand and seal of this court today on 4th day of December, 2014.

(Sd.)

Judicial Magistrate, 1st Class.
(Sub-Judge), Katra.

COURT OF JUDICIAL MAGISTRATE, 1ST CLASS
(SUB-JUDGE), JAMMU.

Present : Manoj Parihar

State through SHO.
Police Station, Katra.

Vs.

Nemo

Proclamation under section 523 Cr. P. C.

Whereas, the Police Station Katra has seized an unclaimed Motorcycle Make Bajaj Pulser bearing Chassis No. DHVBMH 20313 and Engine No. DHGBMH 18328 and one Motorcycle Hero Honda bearing Chassis No. 00K20C01022, Engine No. 00K18MO1308, found in suspicious circumstances vide report No. 31 dated 11-02-2009 and seized under

Whereas, the said seizure by Police Station Katra has been reported to this court under section 523 Cr. P. C.

Therefore, through the medium of this proclamation, the public in general is informed that if any person has any right or claim over the above said items, he/she/they may appear in person or through his/her/their representative in this court on or before 18-02-2015 and establish his/her/their claim regarding the said items within a period of six months from the date of publication of this notice/proclamation, failing which the same shall be disposed of under law.

Given under my hand and seal of this court today on 4th day of December, 2014.

(Sd.).....

Judicial Magistrate, 1st Class
(Sub-Judge), Katra.

**OFFICE OF THE COLLECTOR, LAND ACQUISITION,
ASSISTANT COMMISSIONER, REVENUE, KATHUA.**

Subject :-Notice to persons interested under sections 9 & 9-A of the Land Acquisition Act, 1990 (Svt.) pertaining to the land measuring 92 Kanals 17 Marlas, situated in Village Bhatti-Mehru, Tehsil Hiranagar, District Kathua.

Whereas, the subject land was notified under section 4(1) of the Land Acquisition Act, 1990 (Svt.) vide Notification No. 02, of 2013 dated 09-03-2013 by the Collector, Land Acquisition/Assistant Commissioner, Revenue, Kathua under endorsement No. DCK/LHS/2012-2013/946-54, dated 09-03-2013, needed for the defence viz. public purpose namely for construction/establishment of composite bundh on Indo-Pak Border, situated in Village Bhatti-Mehru, Tehsil Hiranagar, District Kathua.

Whereas, the declaration/notification No. 44, DCK of 2014, under sections 6 & 7 of the said Act has been issued by the District Collector (Deputy Commissioner), Kathua, under endorsement No. DCK/LA/2014-15/786 dated 20-08-2014

Now, therefore, notices under sections 9 & 9-A of the Land Acquisition Act, 1990 are hereby given to all the land owners/persons interested, shown in the sub-joined table to appear before the undersigned personally or by their authorized agent, within a period of 15 days from the date of issuance of the said notification for submission of their objections, to state nature of their respective interests in the land and the amount, particulars of their claims to compensation for such interests and also put forth their objections, if any, with regard to measurement of the land conducted by the field staff of the Revenue Department.

Particulars of land

District	Tehsil	Village	Name of owners	Name of Tenant	Kh. Nos.	Area	Kind of soil
1	2	3	4	5	6	7	8
Kathua	Hiranagar	Bhatti-Mehru	Mst. Ram Pyari and others, owners.	Karam Chand S/o Ram Sahay R/o Deh.	227 min	00-01	WA
			do.	do.	228 min	04-06	WD
			do.	Maqboja Malkan.	229 min	00-07	BQ
			State U/s (4)	Amar Nath S/o Achhar, Hans Raj S/o Rasila, Brahman R/o Deh, prospective owners.	231 min	02-06	GM
			Roop Chand and others, owners.	Self cultivation.	233 min	00-12	WD
			Mst. Nandi and others, owners.	Self cultivation of Roop Chand, Ram Dutt having equal share	235 min	00-04	WA

		in two (2) shares. Rattan Chand, Tara Chand, Bittu Sharma having equal share in one (1) share. Co-shares.			
do.	do.	236 min	01-01	WA	
Roop Chand and others, owners.	Self cultivation.	237 min	01-02	WD	
Shamlat Patti Sheel.	Self cultivation of Amar Nath S/o Achhar, one (1) share. Tirath Ram, Joginder Pal Sons of Inder having equal share in one (1) share. Som Dutt S/o Bua Ditta one (1) share out of half ($\frac{1}{2}$) share. Des Raj, Hans Raj Sons of Rasilu having equal share in one (1) share.	252 min	01-06	WD	
do.	do.	254 min	01-03	WD	
do.	Self cultivation of Ram Saran, Co-sharer.	261 min	01-07	WD	

2	3	4	5	6	7	8
II	Hiranagar	Bhatti-Mehru	Sham Lal Patti Sheel	Self Cultivation of Ram Saran, Co-Sharer	262 min	K. M. 01-09 WD
		Mst. Indri, Co-sharer, vendor, Roop Chand alias Roop Lal and others, vendors.		Cultivation of Roop Chand and others, vendors.	263 min	02-09 WD
		do.	do.		264 min	02-17 WA
		Mst. Indri, and others as per Khasra No. 263		Cultivation and rent of Roop Chand and others as mentioned in Khasra No. 263.	265 min	03-12 WA
		State		Roop S/o Jagan Nath, Diwan Chand S/o Beli Ram, Ram Krishan S/o Dhurma, Des Raj S/o Rasila, Brahman R/o Deh having equal share, illegal encroachers.	645/273	01-09 WD

Mst. Indri and others as per Khasra No. 263	Cultivation of Sansar Chand S/o Beli Ram, Brahman R/o Deh, Gair Marroossi.	646/273	03-10	WD
do.	Cultivation of Jeevan Parkash S/o Diwan Chand, Sansar Chand S/o Beil Ram having equal share, Brahman R/o Deh.	268 min	01-09	WA
Shamlat Deh, Hasab Hisas Jail.	do.	269 min	00-01	WD
State U/s (4)	Cultivation of Roop Chand, Harbans Lal, Ram Dutt Sons of Jagan Nath having equal share, prospective owners.	270 min00-09		WD
Mst. Indri and others as per Khasra No. 263.	Cultivation and rent, Roop Chand and others as per Khasra No. 263.	271 min	01-19	WD
Shamlat Deh.	Cultivation of Amar Nath S/o Achhar, half ($\frac{1}{2}$). Tirath Ram, Joginder Pal,	272 min	00-18	WA

2	3	4	5	6	7	8
1a	Hiranagar	Bhatti-Mehru	Sons of Inder having equal share. half ($\frac{1}{2}$) share out of two (2) shares. Sat Pal and others Sons of Ram Krishan having equal share. one (1) share. Brahman R/o Deh, Gair Marroossi.	K. M.		
	do.		Cultivation of Roop Chand S/o Jagan Nath. Brahiman R/o Deh, Gair Marroossi.	312 min	02-14	WA
	Shamlat Deh, Hasab Hisas Jail.		Maqbooja Malkan.	370 min	02-02	GM
	do.		Self Cultivation of Puran Chand, Sat Pal, Darbari Lal, Dharam Pal having equal share, out of half ($\frac{1}{2}$).	301 min	00-04	WD
	do.		Cultivation of Roop Chand and others without rent due to absence of owners.	298	01-16	WD

do.	Self Cultivation of Puran Chand, and Rattan Chand, Tara Chand, Bitu Sharma S/o Harbans Lal having equal share in half ($\frac{1}{2}$), co-sharers.	295	01-00	WD
do.	Self Cultivation of Roop Chand and others, co-sharers.	296	00-16	WD
do.	Cultivation/rent, Roop Chand and others as per Khasra No. 298.	297 min	00-08	WD
do.	Cultivation of Ram Chand S/o Ram Sahay R/o Deh.	294 min	02-12	WA
do.	Cultivation of Rattan Chand, Tara Chand, Bitu Sharma, Sons of Harbans Lal having equal share in half ($\frac{1}{2}$), Som Dutt S/o Bua Ditta half ($\frac{1}{2}$) without rent considering as his share.	293 min	00-02	WA
do.	Self Cultivation of Roop Chand and Rattan Chand, Tara Chand, Bitu Sharma Sons of Harbans Lal having equal share, co-sharers.	380 min	02-08	WA

2	3	4	5	6	7	8
thua	Hiranagar	Bhatti-	Shamlat Deh. Hasab Hisas Jail.	Cultivation of Radha Krishan and others, co-sharers, under the cultivation of Roop Chand and others. Gair marroossi without rent due to absence of owners.	462 min	K. M. 05-06 WD
		do.		Radha Krishan and others, co-sharers.	461 min	02-04 BQ
		do.		Cultivation of Ram Dutt S/o Jagan Nath, Shashi Sharma S/o Roop Lal, Rattan Chand S/o Harbans Lal having equal share, co-sharers.	463 min	06-15 WA
		do.		Under the cultivation of Sansar Chand S/o Beil Ram, 06 Kl. 03 Kl., Karam Chand S/o Ram Sahay, 05 Kl.	459 min	00-03 WD

do.	Chhajju Ram and others. Co-sharers.	458 min	01-03	BQ	
do.	Maqboojah Malkan.	475 min	03-17	BQ	
do.	Chama Lal and others. Co-sharers.	489 min	02-05	BQ	
do.	Maqboojah Malkan.	488 min	14-11	GM	
do.	Gogi and others, owners.	487 min	02-03	BQ	
do.	Mst. Biro, co-sharer without mortgage, half ($\frac{1}{2}$). Chamnan Lai S/o Thuru Chammar R/o Deh half ($\frac{1}{2}$) mortgaged.	492 min	01-12	BQ	
do.	Radha Krishan and other. Co-sharer.	495 min	03-05	BQ	
do.	Maqboojah Malkan.	497 min	01-13	BQ	

2	3	4	5	6	7	8
Kathua	Hiranagar	Bhatti-Mehru	Shamlat Deh Hasab Hisas Jail	Roop Chand and others. Co-sharers.	482 min	00-01 WD
					Total	92-17

e :— Total area 92 Kanals 17 Marlas out of which under ownership 91 Kanals 08 Marlas State 01 Kanal 09 Marals.

(Sd.) ATUL GUPTA, KAS.

Collector, Land Acquisition,
Assistant Commissioner, Revenue,
Kathua.

**GOVERNMENT OF JAMMU AND KASHMIR,
DIRECTORATE OF GENERAL, FIRE AND EMERGENCY
SERVICES, J&K, JAMMU.**

Shri Shahnawaz Ahmad Dar (Fireman Driver)

S/o Mohd Jabar Dar

R/o Tumchi, Nowpora,

Tehsil and District Pulwama-192121

Subject : Attendance Notice.

- (1) Whereas you Shri Shahnawaz Ahmad Dar S/o Mohd Jabar Dar R/o Tumchi, Nowpora Tehsil and District Pulwama was appointed as Fireman Driver vide Directorate General, Fire and Emergency Services, J&K Order No. 584 of 2009 dated 18-12-2009 pursuant to the selections made by the Department Recruitment Board ;
- (2) Whereas, you absented un-authorisedly from duty at Fire and Emergency Services Station Headquarters, Srinagar on 05-01-2010 and did not report back till date ;
- (3) Whereas, you have executed a Bond for serving the department for minimum period of 7 years after completion of required training courses, failing which you were bound in terms of the Bond to refund to the Government in full without any deduction whatsoever all sums of money received by you with an additional penalty of Rs. 10,000/- ;
- (4) Whereas, you submitted your resignation on 01-01-2010 which was rejected in terms of SRO-159 of 1990 (Departmental Recruitment Rules) and exigencies of the department, accordingly you were directed to resume your duties vide this Office No. Estt./DGF&ES/2010/399-401 dated 17-01-2010 ;
- (5) Whereas, unauthorised absence in terms of Article-203 of CSR J&K, 1956 amounts to loss of services, as such action under Article-128 of J&K CSR Vol-I is warranted against you besides

Now, therefore, you are again directed through this Notice to report for your duties within a period of 15 days from the date of issuance of this notice and submit your objections if any, otherwise it shall be presumed that you have no attention to resume duties and you have nothing to say in your defence. In case you fail to do so action under rules will be taken against you.

(S.D.) DR. G. A. BHAT.

Director General,
Fire and Emergency Services, J&K,
Jammu.

Notice

I, Renu Sehgál, Mother of Rudraksh Sehgal Gupta R/o 133 Bakshi Nagar, Rokki, Jammu do hereby notify that my son's name has been wrongly mentioned as Rudraksh S. Gupta in his school records of K. C. Public School from where he passed out in 2012. Although the alphabet 'S' stands for Sehgal yet I have applied for correction of the name of my son as Rudraksh Sehgal Gupta before the CBSE, Panchkulla, Punjab. Objection, if any, may be conveyed to concerned authorities within seven days of publication of this notice.

Notice

I, Jimmy Choudhary S/o Sh. Joginder Pal R/o Choudhary Colony, Langer (Kaluchak), Jammu want correction of my name Jimmy Choudhary which is written as Zimmy Choudhary, which is written in my Marks Card of 10th class passed from Army Public School, Ratnuchak, Jammu in Session 2010-12. Objection, if any, may be conveyed to concerned authorities within seven days the date of publication of this notice.

Jimmy Choudhary,
S/o Sh. Joginder Pal
R/o Choudhary Colony, Langer (Kaluchak).



THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE

Vol. 128] Jammu, Thu., the 23rd April, 2015/3rd Mai., 1937. [No. 4

Separate paging is given to this part in order that it may be filed as a separate compilation.

ADVERTISEMENT-C

**OFFICE OF THE CONSERVATOR OF FORESTS, CHANAB
CIRCLE, DODA.**

"Abridged Notice Inviting Tender"

For and on behalf of the Governor of J&K State, sealed tenders affixed with revenue stamps of Rs. 5/- are invited from the registered contractors with the Forest Department for extraction/collection/removal of Gucchhies (Morels) from the Demarcated/Undemarcated and Berune Line Forests of Doda, Bhaderwah, Kishtwar, Marwah, Batote and Ramban Forest Division of Chenab Circle for the year 2015-16. The tender forms can be obtained from the Office of the Conservator of Forests, Chenab Circle, Doda/Camp Office, Jammu and offices of the respective DFOs on any working day upto 15th April, 2015 up to 4 P. M. against cash payment of Rs. 200/-. Tender form duly completed along with earnest money amounting to Rs. 10,000/- in the shape of CDR/FDR drawn on any Nationalized Bank pledged to Conservator of Forests, Chenab Circle, Doda, mentioning the name of the division on the "Cover" should be deposited in the tender box kept in the office of undersigned on 16th April, 2015 by or

before 1.30 PM and the tender will be opened at 2.00 PM on same day in presence of the tenderer(s) who intend to be present at that time. The tenderer(s) should quote lump-sum rates division-wise. All other terms and conditions can be seen in the detailed NIT issued vide this office No. 5694-5711/CFC dated 25-03-2015.

(Sd.)

Conservator of Forests,
Chenab Circle.

برخلاف ملزم: کیوں کرشن ولد دوار کا ناتھ قوم برائیں ساکنہ پنجاؤہ تحصیل کالا کوٹ
صلع راجوری -

مقدمہ مندرجہ عنوان الصدر میں ملزم کیوں کرشن ولد دوار کا ناتھ قوم برائیں
ساکنہ پنجاؤہ تحصیل کالا کوٹ صلع راجوری کے خلاف قرار حکم عدالت ہذا کارروائی
بمنشاء دفعہ 512 ض ف بعمل لائی گئی ہے -

لہذا ہلکاراں پولیس ریاست جموں و کشمیر کو حکم واختیار دیا جاتا ہے کہ ملزم متذکرہ
بالا جہاں کہیں بھی اندر حدود ریاست جموں و کشمیر مستیاب ہوں گو فقار کر کے عدالت ہذا
میں پیش کریں - وارثت ہذا اتنا مستیابی ملزم زیر کار رہے گا۔

وارثت ہذا مورخہ 30-12-2014 کو رقم کے دستخط و مہر عدالت ہذا سے
جاری کیا گیا۔

دستخط : جوڈیشل محسٹریٹ درجہ اول بلاور۔

.....

ہرگاہ بمقدمة مندرجہ عنوان الصدر میں ملزمان کی نسبت رپورٹ آئی ہے کہ وہ مفترور ہوئے ہیں، ان کی دستیابی کی سر دست کوئی امید نہیں ہے، رپورٹ پولیس سے عدالت ہذا کو باور ہوا کہ ملزمان مفترور ہوئے ہیں، ان کی دستیابی کی سر دست ب طریق معمول کوئی امید نہ ہے، اس لئے ملزمان کو مفتروری ملزمان قرار دیا جاتا ہے۔

الہذا آپ کو بذریعہ وارثت ہذا حکم و اختیار دیا جاتا ہے کہ جہاں کہیں بھی اندر حدود ریاست جموں و کشمیر ملزمان مذکور یاں دستیاب ہوں، گرفتار کر کے عدالت میں بحراست ضابطہ پیش کریں۔ وارثت ہذا تادستیابی ملزم زیر کار رہے۔

وارثت ہذا مروز بہ دستخط و مہر رقم کے جاری ہوا۔

دستخط : جوڈیشل محسریٹ درجاؤں ترال کشمیر۔

از عدالت جوڈیشل محسریٹ درجہ اول بلادر

سرکار بنام سرداری لال وغیرہ

پرچھ علت نمبر 116 سال 2003ء تھانہ پولیس بلادر

بجرائیم زیر دفعات 408 / 420 / 34 RPC

وارثت گشتی عام زیر دفعہ 512 ضف

حکم بنام : الہکاران پولیس ریاست جموں و کشمیر

14 - جموں و کشمیر گورنمنٹ گزٹ نمبر 4 مورخہ 23 اپریل 2015ء بر طابق 3 بیسا کھا 1937- ضمیم ج

ہرگاہ بمقدہ عنوان الصدر میں ملزم کی نسبت رپورٹ آئی ہے کہ وہ مفرور ہوا ہے۔ اُس کی دستیابی کی سر دست کوئی امید نہیں ہے، رپورٹ پولیس سے عدالت ہذا کو باور ہوا کہ ملزم مفرور ہوا ہے، اس کی دستیابی کی سر دست ب طریق معمول کی کوئی امید نہ ہے۔ اس لئے ملزم کو مفروری ملزم قرار دیا جاتا ہے۔

الہذا آپ بذریعہ وارثت ہذا حکم و اختیار دیا جاتا ہے کہ جہاں کہیں بھی اندر حدود ریاست جموں و کشمیر ملزم مذکور دستیاب ہو، گرفتار کر کے عدالت ہذا میں بحراست ضابطہ پیش کریں۔ وارثت ہذا تا دستیاب ملزم زیر کار رہے۔
وارثت ہذا امروز بہ دستخط و مہر راقم کے جاری کیا گیا۔

تحریر 17-12-2014

سرکار بنام (1) مرہان الدین وانی ولد مظفر احمد وانی ساکنہ شریف آباد ترال
(2) عابد حسین خان ولد جلال الدین خان ساکنہ ہندورہ تحصیل

ترال ضلع پلوامہ

بمقدہ علت نمبر 55 سال 2013ء تھانہ پولیس ترال

بجرائی زیر دفعات 7/25 I.A Act 120-B/ RPC

نام۔ ایا کار، ایا مولیٰ کر، ۱۴۱ جموں و کشمیر

رجسٹرڈ نمبر جے کے 33-



جمول و کشمیر گورنمنٹ گزٹ

جلد نمبر 128 - جموں - مورخ 23 اپریل 2015ء بمقابلہ 3 بیساکھا 1937 ویوار نمبر 4

اشتہارات

از عدالت جوڈیشل مجسٹریٹ درجہ اول ترال

سرکار بنام عبدالحسین خان ولد جلال الدین خان ساکنہ ہندوورہ تحصیل ترال ضلع پوامہ

بمقدمہ علت نمبر 77 سال 2013ء تھانہ پوامہ ترال

بجرائم زید فعات 307/RPC, 7/27 I.A. Act

بنام : ہلکار ان پوامہ ریاست جموں و کشمیر



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

Vol. 127] Jammu, Mon., the 29th Sept., 2014/7th Asv., 1936. [No. 26-c

Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—DEPARTMENT OF LAW, JUSTICE
AND PARLIAMENTARY AFFAIRS**

Notification

Srinagar, the 29th September, 2014.

SRO-391.—In exercise of the powers conferred by section 168 of the Jammu and Kashmir Representation of the People Act, 1957 (Act No. IV of 1957), the Government in consultation with the Election

Commission of India, hereby makes the following amendments in the Jammu and Kashmir Conduct of Election Rules, 1965, namely :—

- I. In rule 4, for the words, "along with the affidavits as set out in the Form 2D and 2E", the words, "along with the affidavit as set out in Form 2D sworn by the candidate before a Magistrate of the First Class or a Notary" shall be substituted ;
- II. After rule 4, the following rule shall be inserted, namely :—

"4A. Proposer to be elector of the concerned Constituency.—The proposer who nominates any person as a candidate under section 43 or delivers the nomination paper on behalf of a candidate under sub-section (2) of section 44-B for election to fill a seat shall be an elector of the constituency for which such nomination is made or such nomination paper is delivered.";

- III. For rule 8, the following rule shall be substituted, namely :—

"8. List of Validly nominated candidates.—(1) The list of validly nominated candidates referred to in sub-section (8) of section 47 shall be in Form 4.

(2) The name of every such candidate shall be shown in the said list as it appears in his nomination paper :

Provided that if a candidate considers that his name is incorrectly spelt or is otherwise incorrectly shown in his nomination paper or is different from the name by which he is popularly known, he may, at any time before the list of contesting candidates is prepared, furnish in writing to the Returning Officer the proper form and spelling of his name and the Returning Officer shall, on being satisfied as to the genuineness of the request, make the necessary correction or alteration in the list in Form 4 and adopt that form and spelling in the list of contesting candidates".

IV. After Part IIIA, the following part shall be inserted, namely :—

“PART IIIB

Voting by classified service voters through proxy

27 M. Definitions.—In this part, unless the context otherwise requires,—

- (a) “classified service voter” means any person specified in clause (a) of section 70, who opts to give his vote by proxy ;
- (b) “proxy” means the person appointed by a classified service voter as his proxy under rule 27N to give vote on his behalf and in his name ; and
- (c) “service voter” means any person specified in clause (a) of section 70 and registered as an elector in the last part of the electoral roll for the constituency.

27N. Appointment of proxy by a classified service voter.—

(1) A service voter may opt to give his vote by proxy appointed in the manner provided in sub-rules (2) to (4).

(2) Any service voter opting to vote by proxy may appoint any person as his proxy to give vote on his behalf and in his name at an election in an assembly constituency :

Provided that such proxy shall be an ordinary resident in the constituency concerned and of not less than 18 years of age and shall not be disqualified for registration as an elector in an electoral roll under section 12 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957).

(3) The appointment of proxy under sub-rule (2) shall be made by the classified service voter in Form 13F.

(4) Any appointment of proxy made under sub-rule (3) shall be deemed to be valid so long as the person making it continues to be a service voter or till the date he revokes such appointment, or dies, whichever is earlier:

Provided that any revocation of appointment shall be made in Form 13G and shall be effective from the date on which it is received by the Returning Officer :

Provided further that where he revokes such appointment, or the proxy appointed by him dies, while he remains a service voter, he may appoint another person as proxy under these rules, as a substitute proxy in Form 13G and the substitute proxy so appointed shall be the proxy appointed by such classified service voter under sub-rule (3) from the date of receipt of the Form 13G by the Returning Officer.

27-O. Intimation of name of proxy by the classified service voter.—(1) The name of the proxy appointed by a classified service voter under sub-rule (3), or, as the case may be, under the second proviso to sub-rule (4), of rule 27N shall be intimated by him to the Returning Officer as soon as may be after such appointment is made, and such intimation must reach the Returning Officer not later than the last date for making nominations for the earliest election in the constituency after such appointment.

(2) Notwithstanding anything contained in sub-rule (1), if any intimation under that sub-rule reaches the Returning Officer after the last date for making nominations in the constituency, such intimation shall not be valid for the election then in progress, but shall, subject to the provisions of sub-rule (4) of rule 27N, be valid for any future election in the constituency.

27P. Action by Returning Officer on intimation of name of proxy.—(1) On receipt of intimation under rule 27-O from a classified service voter in regard to his proxy, the Returning Officer shall mark "CSV" against the name of such voter in the last part of the electoral roll containing

the names of all service voters so as to indicate that the said voter has appointed his proxy, and the Returning Officer shall—

- (a) if it is an intimation received before the last date for making nominations in the constituency, ensure that no postal ballot paper is issued to such classified service voter ; and
- (b) if it is an intimation received after the said last date, ensure that a postal ballot paper is issued to such classified service voter for the election then in progress, in accordance with the provisions contained in Part III of these rules.

(2) The Returning Officer shall also prepare, and maintain up-to date, a separate list of all classified service voters who have given intimation of their proxies under rule 27-O, and also of all such proxies with their complete addresses, in such form and such manner as the Election Commission may specify from time to time.

(3) As soon as may be after the last date for making nominations in the constituency, the Returning Officer shall, on the basis of the list maintained under sub-rule (2) and subject to such further direction as the Election Commission may give in this behalf, prepare or cause to be prepared polling station-wise sub-lists of all classified service voters and their proxies having regard to the residential address of each such classified service voter as given in the electoral roll.

(4) Each sub-list prepared under sub-rule (3) shall thereafter be caused to be added by the Returning Officer at the end to the relevant part of the electoral roll pertaining to each polling station concerned, and such relevant part of the electoral roll together with the said sub-list shall be deemed to be the copy of the electoral roll to be used as the marked copy of the electoral roll under rule 33A or, as the case may be, under rule 49F during the poll at the polling station concerned.

27Q. Recording of votes of proxy.—(I) A person voting as proxy

concerned in the electoral roll of which the name of such classified service voter is added under sub-rule (4) of rule 27P.

(2) The person voting as proxy shall record the vote on behalf of the classified service voter at the said polling station, in the same manner as any other elector assigned to that polling station and the provisions of rules 34, 35 and 36 to 43 or, as the case may be, rules 49G, 49H, 49J to 49R shall apply in relation to the recording of vote by such proxy as they apply to any other elector at the polling station :

Provided that any reference to left forefinger of elector in rule 37 or, as the case may be, rule 49K shall be construed as reference to left middle finger of the person voting as a proxy under this rule.”;

V. In rule 49A, the following proviso shall be inserted, namely :—

“Provided that a printer with a drop box of such design, as may be approved by the Election Commission, may also be attached to a voting machine for printing a paper trail of the vote, in such constituency or constituencies or parts thereof as the Election Commission may direct.”;

VI. In rule 49B, in sub-rule (4), after clause (b), the following clause shall be inserted, namely :—

“(c) Where the printer for paper trail is used under the proviso to rule 49A, set the printer as per the number of contesting candidates set in the control unit by—

- i. loading in the printer the serial numbers and names of candidates and symbols allotted to them as given on the balloting units under clause (a) ;
- ii. loading paper in the printer ; and
- iii. sealing the printer in such manner as may be directed by the Election Commission.”;

VII. In rule 49E,—

- (a) in sub-rule (1), for the words “every voting machine used at polling station”, the words “every voting machine used at the polling station and the printer for paper trail wherever used”, shall be inserted ;
- (b) in sub-rule (2), for the words, brackets and figure “no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (4)”, the words, brackets and figure “no vote has been already recorded in the voting machine and it bears the label referred to in sub-rule (1), and where the printer for paper trail is used that the drop box of the printer is empty” shall be substituted ;
- (c) after sub-rule (6), the following sub-rule shall be added, namely :—

“(7) where the printer for paper trail is used, the printer shall also be kept along with the balloting unit in the voting compartment and shall be connected to the electronic voting machine in the manner as directed by the Election Commission.”;

VIII. In rule 49L, in sub-rule (1), after clause (c), the following clause shall be added, namely :—

“(d) give details of the document produced by the elector in proof of his/her identification.”;

IX. In rule 49M, in sub-rule (3), after clause (c), the following proviso shall be added, namely :—

“Provided that where printer for paper trail is used, upon casting the vote by pressing the button as referred to in clause (b), the elector shall be able to view through the

transparent window of the printer, kept along with the balloting unit inside the voting compartment, the printed paper slip showing the serial number, name and the symbol of the candidate for whom he has cast his vote before such paper slip gets cut and drops in the drop box of the printer.”;

- X. After rule 49M, the following rule shall be inserted, namely :—

“49 MA. Procedure in case of complaint about particulars printed on paper slip.—(1) Where printer for paper trail is used, if an elector after having recorded his vote under rule 49M alleges that the paper slip generated by the printer has shown the name or symbol of a candidate other than the one he voted for, the Presiding Officer shall obtain a written declaration from the elector as to the allegation, after warning the elector about the consequence of making a false declaration.

(2) If the elector gives the written declaration referred to in sub-rule (1), the Presiding Officer shall make a second entry related to that elector in Form 17 A, and permit the elector to record a test vote in the voting machine in his presence and in the presence of the candidates or polling agents who may be present in the polling station, and observe the paper slip generated by the printer.

(3) If the allegation is found true, the Presiding Officer shall report the facts immediately to the Returning Officer, stop further recording of votes in that voting machine and act as per the direction that may be given by the Returning Officer.

(4) If, however, the allegation is found to be false and the paper slip so generated under sub-rule (1) matches with the test vote recorded by the elector under sub-rule (2), then, the Presiding Officer shall—

- (i) make a remark to that effect against the second entry relating to that elector in Form 17A mentioning

the serial number and name of the candidate for whom such test vote has been recorded ;

- (ii) obtain the signature or thumb impression of that elector against such remarks ; and
- (iii) make necessary entries regarding such test vote in item 5 in Part I of Form 17C.” ;

XI. In rule 49T.—

- (a) in sub-rule (1), after the words, “detach the balloting unit from the control unit”, the words, “and from the printer, where printer is also used, so however, that the paper slips contained in the drop box of the printer shall remain intact” shall be inserted ;
- (b) in sub-rule (2), for the words “the control unit and the balloting unit shall”, the words “the control unit, the balloting unit and the printer, where it is used, shall” shall be substituted ;

XII. In rule 66A, in clause (i).—

- (a) in rule 56A as made applicable by said rule, in sub-rule (2), after clause (a), the following proviso shall be inserted, namely :—

“Provided that the test vote recorded, if any, for a candidate, as per item 5 in Part I of Form 17C, shall be subtracted from the number of votes recorded for such candidate as displayed on the control unit.” ; and

- (b) after rule 56A, so made applicable the following rule shall be inserted, namely :—

“56B. Scrutiny of paper trail.—(1) Where printer for paper trail is used, after the entries made in the result

sheet are announced, any candidate, or in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to count the printed paper slips in the drop box of the printer in respect of any polling station or polling stations.

(2) On such application being made, the Returning Officer shall, subject to such general or special guidelines, as may be issued by the Election Commission, decide the matter and may allow the application in whole or in part or may reject it in whole, if it appears to him to be frivolous or unreasonable

(3) Every decision of the Returning Officer under sub-rule (2) shall be in writing and shall contain the reasons therefor.

(4) If the Returning Officer decides under sub-rule (2) to allow counting of the paper slips either wholly or in part or parts, he shall—

(a) do the counting in the manner as may be directed by the Election Commission ;

(b) if there is discrepancy between the votes displayed on the control unit and the counting of the paper slips, amend the result sheet in Form 20 as per the paper slips count ;

(c) announce the amendments so made by him ; and

(d) complete and sign the result sheet.”;

(c) in rule 57A, as made applicable,—

(a) in sub-rule (1), after the words “the memory of such result”, the words “and where printer for paper trail

is used, the Returning Officer shall seal the paper slips in such manner, as may be directed by the Election Commission" shall be added :

(b) in sub-rule (2),—

(i) for the words "the control unit", the words "the control unit and the paper slips" shall be substituted ; and

(ii) clause (c) shall be substituted by following clause, namely :—

"Serial number of the control unit and printer, wherever used." ;

XIII. After Part VII, the following part shall be inserted, namely :—

"PART VIIA

Equitable sharing of time on electronic media and material to be supplied to recognised political parties

85A. Definitions.—In this part, unless the context otherwise requires,—

(a) "cable television network" and "cable operator" have the meanings respectively assigned to them in clause (b) of Explanation to section 50-A ;

(b) "electronic media" has the meaning assigned to it in clause (a) of Explanation to section 50-A ;

(c) "political party" has the meaning assigned to it in clause (f) of sub-section (1) of section 2 of the Representation of People Act, 1951 (Central Act No. 43 of 1951) ;

(d) "recognized political party" has the meaning assigned to it in the Election Symbols (Reservation and Allotment) Order, 1968.

85B. Allocation of equitable sharing of time on electronic media.—(1) The Election Commission shall, for the purposes of allocating equitable sharing of time on the cable television network and other electronic media under sub-section (1) of section 50A, categorize the cable television networks and electronic media into the two separate categories that is to say one category which is owned or controlled or financed wholly or substantially by funds provided to them by the Central Government and the other which is not owned or controlled or financed wholly or substantially by funds provided to them by the Central Government.

(2) For allocating equitable sharing of time on the cable television network and other electronic media owned or controlled or financed wholly or substantially by funds provided to them by the Central Government referred to in sub-rule (1), the Election Commission shall determine, in consultation with the Ministry of the Government of India dealing with the concerned subject, the maximum time period available on such cable television network and other electronic media and allocate such time period proportionately among the recognised political parties contesting the election on the basis of their past performances for the purposes of displaying or propagating any election matter or to address public in connection with the election under sub-section (1) of section 50A.

(3) For the purposes of this rule, "past performance of a recognised political party" shall be calculated in relation to the election to fill a seat or seats in the Legislative Assembly of Jammu and Kashmir, on the basis of the percentage of the votes cast in the last preceding general election in favour of that recognised political party with reference to the total votes cast in that general election, to fill the seats in that Assembly.

85C. Supply of material by the Government.—The State Government shall, at the time of any general election to be held for the purposes of constituting the Legislative Assembly of the Jammu and Kashmir provide to the Election Commission such number of copies of electoral roll, as finally published under the Jammu and Kashmir Representation of the

People Act, 1957 (IV of 1957), as the Election Commission may require for supplying the same free of cost to the candidate of recognised political parties through such officers as may be specified by the Election Commission and such officer shall act in accordance with such general or special directions as may be issued by the Election Commission in this behalf.”;

- XIV. In rule 90, for the figures “5,00,000/-”, the letters and figures “Rs. 28,00000/-” shall be substituted ;
- XV. In rule 92, in sub-rule (2), after clause (c), the following clause shall be inserted, namely :—
- “(cc) the printed paper slips sealed under the provisions of rule 57 A as made applicable by rule 66A ;”;
- XVI. In rule 93, in sub-rule (1) , after clause (c), the following clause shall be inserted, namely :—
- “(cc) the printed paper slips sealed under the provisions of rule 57A as made applicable by rule 66A ;”;
- XVII. In rule 94, in the proviso to clause (b), after the words “counterfoils of used ballot papers”, the words “and the printed paper slips, if any”, shall be inserted ;

XVIII. For Form 2-A, Form 2-B, Form 2-C, Form 2-D and Form 2-E and entries relating thereto, the following forms and entries shall respectively be substituted, namely :—

“Form 2A

(See rule 4)

NOMINATION PAPER

Election to the Legislative Assembly of Jammu and Kashmir

**STRIKE OFF PART I OR PART II BELOW WHICHEVER IS
NOT APPLICABLE**

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Assembly from the _____ Assembly Constituency.

Candidate's name _____ Father's/Mother's/Husband's name. _____ His postal address _____.

His name is entered at S. No. _____ in Part No. _____ of the electoral roll for _____ Assembly Constituency.

My name is and it is _____ entered at Sl. No. _____ in Part No. _____ of the electoral roll for the _____ Assembly Constituency.

Date _____ (Signature of the Proposer).

PART II

(To be used by candidate not set up by recognised political party)

We hereby nominate as candidate for election to the Legislative Assembly from the _____ Assembly Constituency

Candidate's name _____ Father's/mother's/
husband's name _____. His postal address _____.

His name is entered at S. No. _____ in Part
No. _____ of the electoral roll for _____ Assembly
Constituency.

We declare that we are electors of this Assembly Constituency and our names are entered in the electoral roll for this Assembly Constituency as indicated below and we append our signatures below in token of subscribing to this nomination :—

Particulars of the proposers and their signatures

S. No.	Electoral Roll No. of proposer	Full Name	Signature	Date	
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

PART III

I, the candidate mentioned in Part I/Part II (Strike out which is not applicable) assent to this nomination and hereby declare—

(a) That I have completed _____ years of age ;

[STRIKE OUT b(i) OR b(ii) BELOW WHICHEVER IS NOT APPLICABLE]

(b) (i) that I am set up at this election by the _____ party, which is recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me ;

(ii) that I am set up at this election by the _____ party, which is a registered unrecognised political party/that I am contesting this election as an independent candidate (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are—

(i) _____ (ii) _____ (iii) _____

(c) that my name and my father's/mother's/husband's name have been correctly spelt out above in _____ (name of the language);

(d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Assembly of this State.

I further declare that I am a member of the _____ Caste which is a Scheduled Caste of the State of Jammu and Kashmir in relation to _____ (area) in that State.

I also declare that I have not been, and shall not be nominated as a _____ at the present general election/the bye-elections being held

simultaneously, to the Legislative Assembly of Jammu and Kashmir from more than two Assembly Constituencies.

Date _____

(Signature of Candidate)

!Score out this paragraph, if not applicable.

N. B. :—A “recognised political party” means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968 in Jammu and Kashmir.

PART IV

(To be filled by the candidate)

Whether the candidate—

(i) has been convicted,—

(a) of any offence(s) under sub-section (1) of section 24 of the Jammu and Kashmir Representation of the People Act, 1957 ; or Yes/No

(b) for contravention of any law specified in the proviso to sub-section (2) of section 24 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957) and sentenced to imprisonment for not less than six months ; or

(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information :—

(i) Case/First Information Report No./Nos.

(ii) Police Station(s) District(s) State(s) _____.

(iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted .

- (iv) Date(s) of conviction(s) _____.
- (v) Court(s) which convicted the candidate _____.
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)] _____.
- (vii) Date(s) of release from prison _____.
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s) _____. Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed _____.
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed _____.
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending _____.
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
(a) Date(s) of disposal _____.
(b) Nature of order(s) passed _____.

Place : _____

Date : _____

(Signature of the Candidate).

PART V

* (Authorization of agent)

I, _____ a candidate at the above election hereby authorize _____ (name) _____ (Full Postal Address) to deliver this nomination paper.

Place : _____

Date : _____

Signature of the Candidate.

I agree to act as such authorized agent.

Place : _____

Date : _____

Signature of authorized agent.

*Score out this paragraph if not applicable.

PART VI

(To be filled by the Returning Officer)

Serial No. of nomination paper _____.

This nomination was delivered to me at my office at _____ (hour) on _____ (date) by the *candidate/authorized agent/proposer.

Date _____

Returning Officer.

*Score out the word not applicable.

PART VII

Decision of Returning Officer Accepting or Rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 47 of the Jammu and Kashmir Representation of the People Act, 1957 and decided as follows :—

Date _____

Returning Officer.

(Perforation) _____

PART VIII

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the Nomination Paper)

Serial No. of nomination paper _____.

The nomination paper of _____ a candidate for election from the _____ Assembly Constituency was delivered to me at my office at _____ (hour) on _____ (date) by the *candidate/ authorized agent/proposer. All nomination papers will be taken up for scrutiny at _____ (hour) on _____ (date) at _____ (Place).

Date _____

Returning Officer."

*Score out the word not applicable.

No. _____ of the electoral roll for _____ Assembly
His name is entered at S.I. No. _____ in Part _____

Husband's name _____ His postal address _____
Candidate's name _____ Father's/Mother's/

We hereby nominate as candidate for the above election.

(To be used by candidate not set up by recognised political party)

PART II

Date _____ (Signature of the Proposer).

of the People Act, 1957.
maintained under Section 154 of the Jammu and Kashmir Representation
name is entered at S.I. No. _____ in the list
a member of the Legislative Assembly of Jammu and Kashmir and my
for _____ Assembly Constituency. I declare that I am
at S.I. No. _____ in Part No. _____ of the electoral roll
name _____ His postal address _____ Father's/Mother's/Husband's
Candidate's name _____

I nominate as a candidate for the above election.

(To be used by candidate set up by recognised political party)

PART I

(Reserved) of Jammu Province/Doda District (Reserved).
residents of Kashmir Province/Tehsil Laddakh (Reserved)/Kargil Tehsil
members of the Legislative Assembly from amongst persons who are
Election to the Legislative Council of Jammu and Kashmir by the

Nomination Paper

(See rule 4)

"Form 2B

We declare that we are members of the Legislative Assembly of Jammu and Kashmir and our names are entered as indicated below in the list maintained under section 154 and we append our signature below in token of subscribing to his nomination.

Particulars of the proposers and their signatures

S. No.	Sl. No. as indicated in the list maintained under section 154	Full Name	Signature	Date
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.*				

*There should be ten members of the Legislative Assembly, as proposers.

I the abovementioned candidate, assent to this nomination and hereby declare :—

(a) that I have completed _____ years of age ;

- (b) that I am set up at this election by the _____ party ;
- (c) that my name and my father's/mother's/husband's name has been correctly spelt out above in _____ (name of the language) ;
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being chosen to fill the seat in the Legislative Council of Jammu and Kashmir by the members of the Legislative Assembly.

I also declare that I have not been, and shall not be, nominated as a candidate at the present biennial election/bye-elections being held simultaneously, to the Legislative Council of Jammu and Kashmir from more than two Council Constituencies in the State.

Date _____

(Signature of the candidate).

PART III

(To be filled by the candidate)

Whether the candidate—

- (i) has been convicted—
 - (a) of any offence(s) under sub-section (1) of section 24 of the Jammu and Kashmir Representation of the People Act, 1957 ; or Yes/No
 - (b) for contravention of any law specified in the proviso to sub-section (2) of section 24 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957) and sentenced to imprisonment for not less than six months ; or
- (ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is "Yes", the candidate shall furnish the following information :—

- (i) Case/First Information Report No./Nos. _____
- (ii) Police Station(s) _____ District(s) _____
State(s) _____
- (iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted _____
- (iv) Date(s) of conviction(s) _____
- (v) Court(s) which convicted the candidate _____
- (vi) Punishment(s) imposed [indicate period of imprisonment(s) and/or quantum of fine(s)] _____
- (vii) Date(s) of release from prison _____
- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s) _____ Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed _____
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed _____
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending _____
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
 - (a) Date(s) of disposal _____
 - (b) Nature of Order(s) passed _____

Place :

Date :

(Signature of the candidate).

PART IV*** (Authorization of agent)**

I, _____ a candidate at the above election hereby authorize _____ (name) _____
(Full Postal Address) to deliver this nomination paper.

Place : _____

Date : _____

Signature of candidate.

I agree to act as such authorized agent.

Place : _____

Date : _____

Signature of authorized agent.

Score out this paragraph if not applicable.*PART V****(To be filled by the Returning Officer)**

Serial No. of Nomination Paper _____

This nomination was delivered to me at my office
at _____ (hour) on _____ (date) by the *candidate/
authorized agent/proposer.

Date _____

Returning Officer.

***Score out the word not applicable.**

PART VI

Decision of Returning Officer accepting or rejecting the Nomination Paper

I have examined this nomination paper in accordance with section 47 of the J&K Representation of the People Act, 1957 and decided as follows :—

Date _____

Returning Officer.

(Perforation)

PART VII

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

S. No. of nomination paper _____.

The nomination paper of _____ a candidate for election to the Legislative Council of Jammu and Kashmir by the Members of the Legislative Assembly was delivered to me at my office at _____ (hour) on _____ (date) by the *candidate/authorized agent/proposer. All nomination papers will be taken up for scrutiny at _____ (hour) on _____ (date) at _____ (Place).

Date _____

Returning Officer."

*Score out the word not applicable.

Note :—Wherever alternative is provided score out the word(s) not applicable.

"Form 2C

(See rule 4)

Nomination Paper

**Election to the Legislative Council of Jammu and Kashmir from a
Council Constituency**

PART I

(To be used by candidate set up by recognised political party)

I nominate as a candidate for election to the Legislative Council of Jammu and Kashmir from the _____ Council Constituency. Candidate's name _____ Father's/Mother's/Husband's name _____. His postal address _____. His name is entered at Sl. No. _____ in Part No. _____ of the electoral roll for _____ Assembly Constituency. I declare that I am a member of the _____ Council Constituency and my name is entered at Sl. No. _____ in the list maintained under section 21 of the Jammu and Kashmir Representation of the People Act, 1957.

Date _____

(Signature of the Proposer).

PART II

(To be used by candidate not set up by recognised political party)

We hereby nominate as a candidate for election to the Legislative Council of Jammu and Kashmir from the _____ Council Constituency. Candidate's name _____ Father's/Mother's/Husband's name _____. His postal address _____. His name is entered at Sl. No. _____ in Part No. _____ Assembly Constituency.

We declare that we are electorals and our names are entered in the electoral roll for _____ Council Constituency as indicated below and we append our signatures below in token of subscribing to this nomination :—

Particulars of the proposers and their signatures

S. No.	Serial No. of proposer as entered in the list maintained under section 21	Name of Local Body in which registered as elector	Full Name	Signature	Date
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10. *					

*There should be ten electors of the constituency, as proposers.

I the abovementioned candidate, assent to this nomination and hereby declare :—

(a) That I have completed

Years of age.

[Strike out b (i) or b(ii) below whichever is not applicable]

- (b) (i) that I am set up at this election by the _____ party, which is recognised National Party/State Party in this State and that the symbol reserved for the above party be allotted to me.
- (ii) that I am set up at this election by the _____ party, which is a registered unrecognised political party/that I am contesting this election as an independent candidate (Strike out which is not applicable) and that the symbols I have chosen, in order of preference, are—
- (i) _____ (ii) _____ (iii) _____
- (c) that my name and my father's/mother's/husband's name has been correctly spelt out above in _____ (name of the language);
- (d) that to the best of my knowledge and belief, I am qualified and not also disqualified for being shown to fill the seat in the Legislative Council of Jammu and Kashmir by the members of the Council Constituency.

I further declare that I am a member of the _____ Caste which is a Scheduled Caste of the State of Jammu and Kashmir in relation to _____ (area) in that State.

I also declare that I have not been and shall not be, nominated as a candidate at the present biennial election/bye-elections being held simultaneously, to the Legislative Council of Jammu and Kashmir from more than two Council Constituencies in the State.

Date _____

PART III

(To be filled by the candidate)

Whether the candidate—

- (i) has been convicted—
(a) of any offence(s) under sub-section (1) of section 24 of the Jammu and Kashmir Representation of the People Act, 1957 : or Yes/No
(b) for contravention of any law specified in the proviso to sub-section (2) of section 24 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957) and sentenced to imprisonment for not less than six months : or
(ii) has been convicted for any other offence(s) for which he has been sentenced to imprisonment for two years or more.

If the answer is “Yes”, the candidate shall furnish the following information :—

- (i) Case/First Information Report No./Nos. _____
(ii) Police Station(s) _____ District(s) _____
State(s) _____
(iii) Section(s) of the concerned Act(s) and brief description of the offence(s) for which he has been convicted _____
(iv) Date(s) of conviction(s) _____
(v) Court(s) which convicted the candidate _____
(vi) Punishment(s) imposed {indicate period of imprisonment(s) and/or quantum of fine(s)} _____

- (viii) Was/were any appeal(s)/revision(s) filed against above conviction(s) _____ Yes/No
- (ix) Date and particulars of appeal(s)/application(s) for revision filed _____
- (x) Name of the court(s) before which the appeal(s)/application(s) for revision filed _____
- (xi) Whether the said appeal(s)/application(s) for revision has/have been disposed of or is/are pending _____
- (xii) If the said appeal(s)/application(s) for revision has/have been disposed of—
(a) Date(s) of disposal _____
(b) Nature of Order(s) passed _____

Place :

Date : (Signature of the candidate).

PART IV

***(Authorization of agent)**

I, _____ a candidate at the above election hereby authorize _____ (name) _____
(Full Postal Address) to deliver this nomination paper.

Place : _____

Date : _____

Signature of candidate.

I agree to act as such authorized agent.

Place : _____

Date : _____

Signature of authorized agent.

*Score out this paragraph if not applicable.

PART V

(To be filled by the Returning Officer)

Serial No. of Nomination Paper _____.

This nomination was delivered to me at my office
at _____ (hour) on _____ (date) by the *candidate/
authorized agent/proposer.

Date _____

Returning Officer.

*Score out the word not applicable.

PART VI

Decision of Returning Officer accepting or rejecting the
Nomination Paper

I have examined this nomination paper in accordance with section 47
read with sub-section (1) of section 50 of the Jammu and Kashmir
Representation of the People Act, 1957 and decided as follows :—

Date _____

Returning Officer.

(Perforation)

PART VII

Receipt for Nomination Paper and Notice of Scrutiny

(To be handed over to the person presenting the nomination paper)

S. No. of nomination paper _____.

The nomination paper of _____ a candidate for election to the Legislative Council of Jammu and Kashmir by the Members of _____ Council Constituency _____ was delivered to me at my office at _____ (hour) on _____ (date) by the *candidate/authorized agent/proposer. All nomination papers will be taken up for scrutiny at _____ (hour) on _____ (date) at _____ (Place).

Date _____

Returning Officer."

*Score out the word not applicable.

"Form 2D

(See Rule 4)

Affidavit to be filed by the candidate along with nomination paper before the Returning Officer for election to _____ (name of the House) from _____ constituency (Name of the constituency).

Please affix
your recent
passport size
photograph
here

PART-A

I, _____, **son/daughter/wife of _____ aged _____ years, resident of _____ (mention full postal address), a candidate at the above election, do hereby solemnly affirm and state on oath as under :—

(1) I am a candidate set up by _____ (**name of the political party)/ **am contesting as an Independent candidate.

(**Strike out whichever is not applicable)

(2) My name is enrolled in _____ (Name of the Constituency and the State), at Serial No. _____ in Part No. _____.

(3) My contact Telephone Number(s) is/are _____ and my e-mail ID (if any) is _____ and my social media accounts (if any) are _____.

(4) Details of Permanent Account Number (PAN) and status of filing of Income Tax return :—

Sl. No.	Names	PAN	The financial year for which the last Income Tax return has been filed	Total income shown in Income Tax return (in rupees)
1	2	3	4	5

1. Self
2. Spouse

1

2

3

4

5

3. Dependent-1
 4. Dependent-2
 5. Dependent-3.....

(5) I am/am not accused of any offence(s) punishable with imprisonment for two years or more in a pending case(s) in which a charge(s) has/have been framed by the court(s) of competent jurisdiction.

If the deponent is accused of any such offence(s) he shall furnish the following Information :—

(i) The following case(s) is/are pending against me in which charges have been framed by the court for an offence punishable with imprisonment for two years or more :—

(a)	Case/First Information Report No./Nos. together with complete details of concerned Police Station/District/State	
(b)	Section(s) of the concerned Act(s) and short description of the offence(s) for which charged	
(c)	Name of the Court, Case No. and date of order taking cognizance	
(d)	Court(s) which framed the chargers	
(e)	Date(s) on which the charge(s) was/were framed	
(f)	Whether all or any of the proceeding(s) have been stayed by any Court(s) of competent jurisdiction	

(ii) The following case(s) is/are pending against me in which cognizance has been taken by the court [other than the cases mentioned in item (i) above] :—

(a)	Name of the Court, Case No. and date of order taking cognizance	
(b)	The details of cases where the court has taken cognizance, section(s) of the Act(s) and description of the offence(s) for which cognizance taken	
(c)	Details of Appeal(s)/Application(s) for revision (if any) filed against the above order(s)	

(6) I have been/have not been convicted of an offence(s) [other than any offence(s) referred to in sub-section (1) or sub-section (2), or covered in sub-section (3), of section 24 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957)] and sentenced to imprisonment for one year or more.

If the deponent is convicted and punished as aforesaid, he shall furnish the following information :—

In the following cases, I have been convicted and sentenced to imprisonment by a court of law :—

(a)	The details of cases, section(s) of the concerned Act(s) and description of the offence(s) for which convicted	
(b)	Name of the Court(s), Case No. and date(s) of order(s)	
(c)	Punishment imposed	
(d)	Whether any appeal was/has been filed against the conviction order. If so, details and the present status of the appeal	

(7) That I give hereinbelow the details of the assets (movable and immovable etc.) of myself, my spouse and all dependents : ---

A. Details of movable assets :

Note :—1. Assets in joint name indicating the extent of joint ownership will also have to be given.

Note :—2. In case of deposit/investment, the details including Serial Number, Amount, date of deposit, the scheme, name of the Bank/Institution and Branch are to be given.

Note :—3. Value of Bonds/Share Debentures as per current market value in Stock Exchange in respect of listed companies and as per books in case of non-listed companies should be given.

Note :—4. Dependent here has the same meaning as assigned in Explanation (v) under section 75A of the Representation of the People Act, 1951.

Note :—5. Details including amount is to be given separately in respect of each investment.

Sl. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
1	2	3	4	5	6	7

(i) Cash in hand

(ii) Details of deposit in
Bank Accounts (FDRs,
Term Deposits and
all other types of
deposits including
saving accounts).
Deposits with

1	2	3	4	5	6	7
	Non-Banking Financial Companies and Co-operative Societies and the amount in each such deposit					
(ii)	Details of investment in bonds, debentures, shares and units in companies mutual funds and others and the amount					
(iv)	Details of investment in NSS, Postal Saving, Insurance policies and Investment in any Financial instruments in Post Office or Insurance Company and the amount					
(v)	Personal loans/advance given to any person or entity including firm, company, Trust etc., and other receivables from debtors and the amount					
(vi)	Motor vehicles/ Aircrafts/Yachts/Ships (Details of Make, registration number etc. year of purchase and amount)					
(vii)	Jewellery, bullion and valuable thing(s) (give details of weight and value)					
(viii)	Any other assets such as value of claims/ interest					

B. Details of Immovable Assets :—

Note :— 1. Properties in joint ownership indicating the extent of joint ownership will also have to be indicated.

Note :— 2. Each land or building or apartment should be mentioned separately in this format.

Sl. No	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
1	2	3	4	5	6	7
(i)	Agricultural Land Location(s) Survey Number(s) Area (total measurement in Acres Whether inherited property (Yes or No) Date of purchase in case of self-acquired property Cost of land (in case of purchase) at the time of purchase Any investment or the land by way of development, construction etc. Approximate current market value					
(ii)	Non-Agricultural Land : Location (s) Survey Number(s) Area (total measurement in sq. ft.) Whether inherited property (Yes or No)					

1	2	3	4	5	6	7
	Date of purchase in case of self-acquired property					
	Cost of Land (in case of purchase) at the time of purchase					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
(iii)	Commercial buildings (including apartments) :-					
	-Location(s)					
	-Survey number(s)					
	Area (total measurement in sq. ft.)					
	Built-up Area (total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any investment on the property by way of development, construction etc.					
	Approximate current market value					
(iv)	Residential buildings (including apartments) :-					
	-Location(s)					
	-Survey Number(s)					

1	2	3	4	5	6	7
---	---	---	---	---	---	---

	Area (Total measurement in sq. ft.)					
	Built-up area (Total measurement in sq. ft.)					
	Whether inherited property (Yes or No)					
	Date of purchase in case of self-acquired property					
	Cost of property (in case of purchase) at the time of purchase					
	Any investment on the land by way of development, construction etc.					
	Approximate current market value					
(v)	Others (such as interest in property)					
(vi)	Total of current market value of (i) to (v) above.					

(8) I give hereinbelow the details of liabilities/dues to public financial institutions and Government.

(Note :— Please give separate details of name of bank, institution, entity or individual and amount before each item)

Sl. No.	Description	Self	Spouse	Dependent-1	Dependent-2	Dependent-3
1	2	3	4	5	6	7

- (i) Loan or dues to Bank/ financial institution(s)

1	2	3	4	5	6	7
---	---	---	---	---	---	---

	Name of the Bank or financial Institution, Amount outstanding, nature of loan					
	Loan or dues to any other individuals/ entity other than mentioned above Name(s), Amount outstanding, nature of loan					
	Any other liability					
	Grand Total of liabilities					
(ii) Government dues :						
	Dues to departments dealing with Government accommodation					
	Dues to department dealing with supply of water					
	Dues to department dealing with supply of electricity					
	Dues to department dealing with supply of telephones/mobiles					
	Dues to department dealing with Government transport (including aircrafts and helicopters)					
	Income tax dues					
	Wealth tax dues					
	Service tax dues					
	Municipal/Property Tax dues					
	Sales Tax dues					
	Any other dues					
(iii) Grand total of all Government dues						

1	2	3	4	5	6	7
---	---	---	---	---	---	---

- (iv) Whether any other liabilities are in dispute, if so, mention the amount involved and the authority before which it is pending.

(9) Details of profession or occupation :—

(a) Self _____

(b) Spouse _____

(10) My educational qualification is as under :—

.....

(Give details of highest School/University education mentioning the full form of the certificate/diploma/degree course, name of the School/College/University and the year in which the course was completed.)

PART-B

(11) Abstract of the details given in (1) to (10) of Part-A :

1.	Name of the candidate	Sh./Smt./Kum.
2.	Full Postal address	
3.	Number and name of the constituency and State	
4.	Name of the political party which set up the candidate (otherwise write 'Independent')	
5.	(i) Total number of pending cases where charges have	

	been framed by the Court for offences punishable with imprisonment for two years or more		
	(ii) Total number of pending cases where the court(s) have taken cognizance [other than the cases mentioned in item (i) above]		
6.	Total number of cases in which convicted and sentenced to imprisonment for one year or more [except for offences referred to in sub-sections (1), (2) or (3) of section 24 of J&K Representation of the People Act, 1957]		
7.	PAN of	Year for which last Income Tax return filed	Total Income shown
	(a) Candidate		
	(b) Spouse		
	(c) Dependents		

8. Details of Assets and Liabilities in Rupees :—

Description	Self	Spouse	Dependent-I	Dependent-II	Dependent-III	
	1	2	3	4	5	6
A Moveable Assets (Total value)						

	1	2	3	4	5	6
B Immovable Assets						
I. Purchase Price of self-acquired immovable property						
II. Development/ construction cost of immovable property after purchase (if applicable)						
III. Approximate current market price of—						
(a) self-acquired assets (Total Value)						
(b) inherited assets (Total Value)						
9. Liabilities :						
(i) Government dues (Total)						
(ii) Loans from Bank, Financial Institutions and others (Total)						
10. Liabilities that are under dispute :						
(i) Government dues (Total)						
(ii) Loans from Bank, Financial Institutions and others (Total)						
11. Highest Educational qualification :						

(Give details of highest School/University education mentioning the full form of the certificate/diploma/licence papers issued by the School/College/Institute and its

Verification

I, the deponent, above named, do hereby verify and declare that the contents of this affidavit are true and correct to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom. I further declare that—

- (a) There is no case of conviction or pending case against me other than those mentioned in items 5 and 6 of Part A and B above ;
- (b) I, my spouse, or my dependents do not have any asset or liability, other than those mentioned in items 7 and 8 of Part A and items 8, 9 and 10 of Part B above.

Verified at _____ this the _____ day of _____

DEPONENT

Note :—1. Affidavit should be filed latest by 3.00 P. M. on the last day of filing nominations.

Note :—2. Affidavit should be sworn before an Oath Commissioner or Magistrate of the First Class or before a Notary Public.

Note :—3. All columns should be filled up and no column to be left blank. If there is no information to furnish in respect of any item, either “Nil” or “Not applicable”, as the case may be, should be mentioned.

Note :—4. The affidavit should be either typed or written legibly and neatly.

Note :—5. The “details of Bank Accounts, assets and liabilities” to be furnished in the affidavit should invariably include “the details of all deposit/investments in Foreign Banks and any other body/ institution abroad, and details of all assets and liabilities in Foreign Countries”.

Note :—6. In pursuance of the judgement dated 13.09.2013 of the Hon'ble

Vs. Election Commission of India and other, regarding the filing of incomplete affidavit of candidates, the candidates are required to fill up all columns therein. No column can be left blank. At the time of filing of affidavit, RO has to check whether all columns of the affidavit filed with the nomination paper are filled up. If not, the RO shall give a reminder to the candidate to furnish information against blank columns. The Hon'ble Court has held that if there is no information to be furnished against any item, appropriate remarks such as 'Nil' or 'Not Applicable' or 'Not Known' as may be applicable shall be indicated in such column. They should not leave any column blank. If a candidate fails to fill the blanks even after reminder, the nomination paper will be liable to be rejected by the RO at the time of scrutiny of nomination papers.

XIX. For Form 3B and entries relating thereto, the following Form and entries shall be substituted, namely :—

"FORM 3B

(See Rule 7)

NOTICE OF NOMINATION

Election to the Legislative Council by the members of the Legislative Assembly

Notice is hereby given that the following nominations in respect of the above election have been received up to 3 P. M. today :—

Serial No. of Nomination Paper	Name of Candidate	Name of father/mother/ husband	Age of Candidate
1	2	3	4

Address	Party Affiliation	Electoral Roll Number of candidate	Names of Proposers	Serial Numbers of proposers in the list maintained under section 154
---------	-------------------	--	-----------------------	--

5

6

7

8

9

Place _____

Date _____

Returning Officer.”

Note :—Wherever alternative is provided score out the word(s) not applicable.

XX. For Form 3C and entries relating thereto, the following Form and entries shall be substituted, namely :—

"FORM 3C

(See Rule 7)

NOTICE OF NOMINATION

Election to the Legislative Council of Jammu and Kashmir from the _____ Constituency.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P. M. today :—

Serial No. of Nomination Paper	Name of Candidate	Name of father/mother/ husband	Age of Candidate
1	2	3	4

Address	Party Affiliation	Electoral Roll Number of candidate	Names of Proposers	Serial Numbers of proposers in the list maintained under section 152
5	6	7	8	9

Place _____

Date _____

Returning Officer."

Note :—Wherever alternative is provided score out the word(s) not applicable.

XXI. For Form 4 and entries relating thereto, the following Form and entries shall be substituted, namely :—

"FORM 4

(See Rule 8)

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the *.....

Sl. No.	Name of Candidate	Name of ** Father/Mother/ Husband	Address of Candidate	@Party affiliation
1	2	3	4	5

- (i) Candidates of recognised National and State Political Parties.
- (ii) Candidates of registered political parties (other than recognised National and State Political Parties).
- (iii) Other candidates.

Place.....

Date.....

* Appropriate particulars of the election to be inserted here.

**Strike off the inappropriate alternative.

@Applicable in the case of candidates mentioned under categories (i) and (ii) above.

N. B. :—Under Col. I above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.

XXII. In Form 5.—

- (i) for the words “candidate nominated”, the words “candidate validly nominated” shall be substituted ; and
- (ii) for the word “candidate,” wherever occurring, the words “validly nominated candidate” shall be substituted.

XXIII. In Form 6, for the word “candidate” wherever occurring, the words “validly nominated candidate” shall be substituted.

XXIV. For Form 7 A and entries relating thereto, the following Form and entries shall be substituted, namely :—

"FORM 7A

[See Rule 10(1)]

LIST OF CONTESTING CANDIDATES

**Election to the *Legislative Assembly/Legislative Council
from the.....Constituency.**

Sl. No.	Name of Candidate	Address of Candidate	**Party affiliation	Symbol Allotted
1	2	3	4	5

- (i) Candidates of recognised National and State Political Parties.
 - (ii) Candidates of registered political parties (other than recognised National and State Political Parties).
 - (iii) Other candidates.

Place.....

Date.....

Returning Officer."

* Strike off the inappropriate alternative.

**** Applicable in the case of candidates mentioned under categories (i) and (ii) above.**

N. B. :—Under Col. I above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.

XXV. For Form 7-B and entries relating thereto, the following Form and entries shall be substituted, namely :—

"FORM 7B

[See Rule 10(1)]

LIST OF CONTESTING CANDIDATES

Election to the Legislative Council of Jammu and Kashmir by the members of the Legislative Assembly.

Sl. No.	Name of Candidate	Address of Candidate	**Party affiliation
1	2	3	4

- (i) Candidates of recognised National and State Political Parties.
 - (ii) Candidates of registered political parties (other than recognised National and State Political Parties).
 - (iii) Other candidates.

Place.....

Date _____

Returning Officer."

**** Applicable in the case of candidates mentioned under categories (i) and (ii) above.**

N. B. :—Under Col. I above, the serial numbers of candidates of all the three categories shall be given consecutively and not separately for each category.

XXVI. In Form 8, after the entry "Signature of Election Agent" the following entry shall be inserted, namely :—

"Approved.

Signature and Seal of the
Returning Officer."

XXVII. In Form 10, for the words "appoint.....of" the words and brackets "appoint.....(Name and address)" shall be substituted.

XXVIII. For Form 12A, the following Form shall be substituted
namely :—

"FORM 12A

[See rule 20(2)]

APPLICATION FOR ELECTION DUTY CERTIFICATE

To

The Returning Officer,

..... Assembly Constituency.

Sir,

I intend to cast my vote in person at the ensuing election to the Legislative Assembly from the _____ Constituency.

I have been posted on election duty within the constituency at _____ (No. and name of the polling station) but my name is entered at Serial No. _____ Part No. _____ of the electoral rolls for assembly constituency.

I request that an Election Duty Certificate in Form 12-B may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address :—

Place _____

Date _____

Yours faithfully,

XXIX. After Form 13E, the following Forms and entries shall be inserted, namely :—

"FORM 13F"

[See Rule 27N (3)]

Serial No.....

**APPOINTMENT OF PROXY BY CLASSIFIED SERVICE
VOTER TO GIVE VOTE**

I, _____ (name of the classified service voter) aged about _____ S/o, D/o, W/o _____ R/o _____ presently working as _____ and posted at _____ am entitled to appoint proxy under sub-rule (2) of rule 27N of the Jammu and Kashmir Conduct of Election Rules, 1965. I hereby appoint _____ (name of the proxy) aged about _____ S/o, D/o, W/o _____ R/o _____ as my proxy to give vote on my behalf and in my name in _____ Assembly Constituency of the State of Jammu and Kashmir in which I am entitled to give vote under the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957) and the rules made thereunder.

_____ (Signature of proxy)

Serial number of his name and Part No. of electoral roll of the concerned constituency _____

_____ (Signature of classified service voter)

Serial number of his name in the last part of electoral roll of the concerned constituency _____

Service Identity Card No. _____ Name of the Force to which he belongs _____

Note :—(1) The person to be appointed as proxy shall be an ordinary resident in the constituency concerned and of not less than eighteen years of age and shall not be a person disqualified

for registration as an elector in an electoral roll under section 12 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957).

- (2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the Service Identity Card of the classified service voter to authenticate veracity of the classified service voter.
- (3) Score out the word(s) which are not applicable.

**RECEIPT OF FORM 13F FOR THE APPOINTMENT OF PROXY
BY CLASSIFIED SERVICE VOTER**

(To be handed over to the person depositing the said form)

Serial No. _____

Received Form 13F of Shri/Smt./Kum. _____

Date _____

Returning Officer."

"FORM 13G

[See Rule 27N (4)]

Serial No. _____

Revocation of appointment of proxy or revocation of appointment of proxy and appointment of substitute proxy by classified service voter to give vote.

I, _____ (name of the classified service voter) aged about _____ S/o, D/o, W/c _____ R/o _____ presently working as _____ and posted at _____ had appointed _____ (name of the proxy) aged about _____ S/o, D/o, W/c _____ R/o _____ as my proxy to give vote on my behalf and in my name in _____ Assembly Constituency of the State of Jammu and Kashmir.

2. I hereby revoke the appointment of my said proxy and do not wish to appoint any substitute proxy.

OR

Whereas such proxy has died/I hereby revoke appointment of the said proxy and being entitled to appoint substitute proxy under sub-rule (4) of rule 27N of the Jammu and Kashmir Conduct of Election Rules, 1965, hereby appoint _____ (name of the substitute proxy) aged about _____ S/o, D/o, W/o _____ R/o _____ as substitute proxy who shall hereafter give vote on my behalf and in my name in _____ Assembly Constituency of the State of Jammu and Kashmir in which I am entitled to give vote under the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957) and the rules made thereunder.

(Signature of proxy)

(Signature of classified service voter)

Serial number of his name and
Part No. of electoral roll of the
concerned constituency _____

Serial number of his name in
the last part of electoral
roll of the concerned
Constituency _____

Service Identity Card No. _____

Name of the Force to which
he belongs _____

- Note :—(1) The person to be appointed as proxy shall be an ordinary resident in the constituency concerned and of not less than eighteen years of age and shall not be a person disqualified for registration as an elector in an electoral roll under section 12 of the Jammu and Kashmir Representation of the People Act, 1957 (IV of 1957).
- (2) The signature of the classified service voter and the proxy shall be made before a First Class Magistrate or Notary or the Commanding Officer of the Unit concerned who shall verify the signatures under his hand and seal. In case of First Class Magistrate or Notary verifying the signature, he shall personally check the Service Identity Card of the classified service voter to authenticate veracity of the classified service voter.
- (3) Score out the word(s) which are not applicable.

**Receipt of Form 13G for revocation of appointment of proxy
or revocation of appointment of proxy and appointment of substitute
proxy by classified service voter to give vote**

(To be handed over to the person depositing the said form)

Serial No. _____

Received Form 13G of Shri/Smt./Kum. _____

Date _____

(Signature and Seal)

- XXX. In Form 14, for the heading "Polling Station.....", the heading "Number and name of polling station.....in.....Assembly Constituency/Name of place of poll....." shall be substituted.
- XXXI. In the principal rules, in Form 14A, for the heading "No. and name of Polling Station/Name of place of poll.....", the heading "Number and name of Polling Station.....in.....Assembly Constituency/Name of place of poll....." shall be substituted.
- XXXII. In Form 15, for the words "Number and Name of Polling Station ", the words "Number and Name of Polling Station.....in.....Assembly Constituency/Name of place of poll....." shall be substituted.

XXXIII. For Form 17A, the following Form and entries shall be substituted, namely :—

"FORM 17A

(See rule 49L)

Register of Voters

Election to the Legislative Assembly of Jammu and Kashmir
 from _____ Constituency No. and Name of Polling
 Station _____ Part No. of Electoral Roll _____

Sl. No.	Sl. No. of elector in the electoral roll	Details of the document produced by the elector in proof of his/her identification	Signature/ Thumb impression of elector	Remarks
(1)	(2)	(3)	(4)	(5)

1.

2.

3.

4.

etc.

Signature of the Presiding Officer."

XXXIV. For Form 17C and entries relating thereto, the following Form and entries shall be substituted, namely :—

“FORM 17C

[See rules 49-S and 56-C (2)]

PART I.—ACCOUNT OF VOTES RECORDED

Election to the Legislative Assembly of Jammu and Kashmir
from _____ Constituency.

Number and Name of Polling Station : _____

Identification Number of Voting

Machine used at the Polling Station : Control unit _____

Balloting unit _____

Printer (if used) _____

1. Total number of electors assigned to the Polling Station
2. Total number of voters as entered in the Register for Voters (Form 17 A)
3. Number of voters deciding not to record votes under rule 49-O
4. Number of voters not allowed to vote under rule 49-M
5. Test votes recorded under rule 49MA required to be deducted—

(a) total number of test votes to be deducted : Total No. Sl. No(s). of elector(s) in Form 17A

_____ _____

(b) candidate(s) for whom test vote(s) cast : Sl. No. Name of candidate No. of votes

_____ _____ _____

_____ _____ _____

6. Total number of votes recorded as per voting machine :

Total From To

Total From To

(a) received for use _____

(b) issued to electors _____

(c) not used and returned _____

10. Account of papers seals

Signature of polling agents.

1. Paper seals supplied for use : Total No. _____ 1. _____
Sl. No. from _____ to _____
 2. Paper seals used : Total No. _____ 2. _____
Sl. No(s). _____
 3. Unused paper seals returned to Returning Officer : Total No. _____ 3. _____
Sl. No(s). _____
 4. Damaged paper seal, if any : Total No. _____ 4. _____
Sl. No (s). _____ 5. _____
6. _____

Date _____

Place

Signature of Presiding Officer.
Polling Station No. _____

PART II- RESULT OF COUNTING

Sl. No. of Candidate	Name of candidate	Number of votes as displayed on control unit	Number of test voters to be deducted as per item 5 of Part I	Number of valid votes (3-4)
(1)	(2)	(3)	(4)	(5)
1.				
2.				
3.				
4.				
5.				
6.	None of the above			
<hr/>				
Total				
<hr/>				

Whether the total number of votes shown above tallies with the total number of votes shown against item 6 of Part I or any discrepancy noticed between the two totals.

Place _____

Date _____

Signature of Counting Supervisor.

Name of candidate/election agent/counting agent

Full Signature

1.

2.

3.

4.

5.

6.

7.

Place _____

Date _____

Signature of Returning Officer."

XXXV. For Form 20 and entries relating thereto, the following Form and entries shall be substituted, namely :—

"FORM 20

[See rule 56 (7)]

Final Result Sheet

(To be used for recording the result of voting at polling stations other than notified polling stations)

Election to the _____ from the _____ constituency.

PART I

Total No. of Electors in Assembly Constituency _____

Serial No. of Polling Station	No. of Valid votes cast in favour of A B C	Total of Valid votes	No. of rejected votes (Test Votes)	Votes for 'NOTA' option	Total No. of tendered votes
--	--	----------------------------	--	-------------------------------	-----------------------------------

1.	.... .... ....	.....	.....	.....	.....
2.	.... .... ....	.....	.....	.....	.....
3.	.... .... ....	.....	.....	.....	.....
4. etc.	.... .... ....	.....	.....	.....	.....

Total No. of votes
recorded at polling
stations

No. of votes recorded
on postal ballot
papers.

(To be filled in the case of election from an Assembly Constituency.)

Total votes polled

Place.....

Date.....

Returning Officer.”

- XXXVI. In Form 21 after the brackets and words “(Address)” the words and brackets “sponsored by.....(name of the recognised/registered political party)” shall be inserted.
- XXXVII. In Form 21 A after the brackets and words “(Address)” at both the places where they occur the words and brackets “sponsored by.....(name of the recognised/registered political party)” shall be inserted.
- XXXVIII. In Form 21B after the brackets and words “(Address)” the words and brackets “sponsored by.....(name of the recognised/registered political party)” shall be inserted.
- XXXIX. In Form 21C after the brackets and words “(Address)” the words and brackets “sponsored by.....(name of the recognised/registered political party)” shall be inserted.
- XL. In Form 21D after the brackets and words “(Address)” the words and brackets “sponsored by.....(name of the recognised/registered political party)” shall be inserted.

XLI. For Form 21E and entries relating thereto, the following Form and entries shall be substituted, namely :--

"FORM 21E

(See rule 64)

Return of Election

Election to the _____ from the _____ Constituency

Return of Election

Serial No.	Name of Candidate	Party affiliation	Number of votes polled
------------	-------------------	-------------------	------------------------

1.

2.

3.

Total number of electors _____

Total number of valid votes polled _____

Total number of votes for 'None of the Above' _____

Total number of rejected votes _____

Total number of tendered votes _____

I declare that—

Sh. _____ (Name)

of _____ (Address)

has been duly elected to fill the seat.

Place _____

Date _____

XLII. In Form 22,—

- (i) after the words "Shri..... of" the words and brackets "sponsored by.....(name of the recognised/registered political party)" shall be inserted ; and
- (ii) after the words "duly elected by the said constituency" the words "in the General Election/Bye-Election" shall be inserted.

In Form 23 after the brackets and words "(Address)" wherever occurring the words and brackets "sponsored by.....(name of the recognised/registered political party)" shall be inserted.

In Form 23-A after the brackets and words "(Address)" at both the places where they occur the words and brackets "sponsored by.....(name of the recognised/registered political party)" shall be inserted.

In Form 23-AA after the brackets and words "(Address)" at both the places where they occur the words and brackets "sponsored by.....(name of the recognised/registered political party)" shall be inserted.

In Form 23-B after the brackets and words "(Address)" at both the places where they occur the words and brackets "sponsored by.....(name of the recognised/registered political party)" shall be inserted.

In Form 24 after the word "Shri....." the words and brackets "sponsored by.....(name of the recognised/registered political party)" shall be inserted.

(Sd.) MOHAMMAD ASHRAF MIR.

Secretary to Government,
Department of Law, Justice and
Parliamentary Affairs.



**THE
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**Separate paging is given to this part in order that it may be filed as a
separate compilation.**

PART IV

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**MINISTRY OF LAW AND JUSTICE
(LEGISLATIVE DEPARTMENT)**

New Delhi, the 26th December, 2014/Pausa 5, 1936 (Saka).

**THE COAL MINES (SPECIAL PROVISIONS)
SECOND ORDINANCE, 2014**

(No. 7 of 2014)

**Promulgated by the President in the Sixty-fifth Year of the Republic
of India.**

**An Ordinance to provide for allocation of coal mines and vesting of
the right, title and interest in and over the land and mine infrastructure**

together with mining leases to successful bidders and allottees with a view to ensure continuity in coal mining operations and production of coal, and for promoting optimum utilisation of coal resources consistent with the requirement of the country in national interest and for matters connected therewith or incidental thereto.

Whereas, the Supreme Court vide judgment dated 25th August, 2014 read with its order dated 24th September, 2014 has cancelled the allocation of coal blocks and issued directions with regard to such coal blocks and the Central Government in pursuance of the said directions has to take immediate action to implement the said order ;

And whereas, it is expedient in public interest for the Central Government to take immediate action to allocate coal mines to successful bidders and allottees keeping in view the energy security of the country and to minimise any impact on core sectors such as steel, cement and power utilities, which are vital for the development of the nation ;

And whereas, in pursuance of the judgment and order of the Supreme Court, the Coal Mines (Special Provisions) Ordinance, 2014 (S of 2014) was promulgated by the President on the 21st day of October, 2014 ;

And whereas, the Coal Mines (Special Provisions) Bill, 2014 to replace the Coal Mines (Special Provisions) Ordinance, 2014 was introduced in House of the People on 10th December, 2014 with certain modifications so as to provide for dispute settlement, bar of jurisdiction of civil courts and protection of action taken in good faith by the authorities in performance of their duties under the said Ordinance ;

And whereas, the Coal Mines (Special Provisions) Bill, 2014, to replace the said Ordinance has been passed by the House of the People and is pending in the Council of States ;

And whereas, in pursuance of the Coal Mines (Special Provisions) Ordinance, 2014 action has been initiated by the Central Government including the framing of rules for allocation of coal mines and therefore, it is considered necessary to give continuity to the provisions of the said Ordinance and save the actions taken thereunder ;

And whereas, Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 123 of the Constitution, the President is pleased to promulgate the following Ordinance :—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Coal Mines (Special Provisions) Second Ordinance, 2014.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 21st day of October, 2014.

2. *Declaration as to expediency of Union action.*—It is hereby declared that it is expedient in the public expediency of interest that Union should take action for the development of Union action Schedule I coal mines and extraction of coal on continuous basis for optimum utilisation.

3. *Definitions.*—(1) In this Ordinance, unless the context otherwise requires,—

- (a) “additional levy” means the additional levy as determined by the Supreme Court in Writ Petition (Criminal) No. 120 of 2012 as two hundred and ninety-five rupees per metric tonne of coal extracted ;
- (b) “allotment order” means the allotment order issued under section 5 ;
- (c) “appointed date” in relation to—
 - (i) Schedule I coal mines excluding Schedule II coal mines, shall be the 24th day of September, 2014 being the date on which the allocation of coal blocks to prior allottees stood cancelled ; and

- (ii) Schedule II coal mines shall be the 1st day of April, 2015 being the date on which the allocation of coal blocks to prior allottees shall stand cancelled,

in pursuance of the order of the Supreme Court dated the 24th September, 2014 passed in Writ Petition (Criminal) No. 120 of 2012 ;

- (d) “bank” shall have the same meaning as assigned to it in clause (c) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002) ;
- (e) “coal mining operations” means any operation undertaken for the purpose of winning coal ;
- (f) “company” shall have the same meaning as assigned to it in clause (20) of section 2 of the Companies Act, 2013 (18 of 2013) ;
- (g) “corporation” shall have the same meaning as assigned to it in clause (11) of section 2 of the Companies Act, 2013 (18 of 2013) ;
- (h) “financial institution” shall have the same meaning as assigned to it in clause (m) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ;
- (i) “Government company” shall have the same meaning as assigned to it in clause (45) of section 2 of the Companies Act, 2013 (54 of 2002) ;
- (j) “mine infrastructure” includes mining infrastructure such as tangible assets used for coal mining operations, being civil works, workshops, immovable coal winning equipment, foundations, embankments, pavements, electrical systems, communication systems, relief centres, site administrative offices, fixed installations, coal handling arrangements, crushing

and conveying systems, railway sidings, pits, shafts, inclines, underground transport systems, hauling systems (except movable equipment unless the same is embedded in land for permanent beneficial enjoyment thereof), land demarcated for afforestation and land for rehabilitation and resettlement of persons affected by coal mining operations under the relevant law;

- (k) "nominated authority" means the authority nominated by the Central Government under section 6;
- (l) "notification" means a notification published in the Official Gazette;
- (m) "prescribed" means prescribed by rules made under this Ordinance;
- (n) "prior allottee" means prior allottee of Schedule I coal mines as listed therein who had been allotted coal mines between 1993 and 31st day of March, 2011, whose allotments have been cancelled pursuant to the judgment of the Supreme Court dated the 25th August, 2014 and its order dated 24th September, 2014 including those allotments which may have been de-allocated prior to and during the pendency of the Writ Petition (Criminal) No. 120 of 2012.

Explanation :—In case a mining lease has been executed in favour of a third party, subsequent to such allocation of Schedule I coal mines, then, the third party shall be deemed to be the prior allottee;

- (o) "Schedule" means a Schedule appended to this Ordinance;
- (p) "Schedule I coal mines" means,—
 - (i) all the coal mines and coal blocks the allocation of which was cancelled by the judgment dated 25th August, 2014 and its order dated 24th September, 2014 passed in Writ Petition (Criminal) No. 120 of 2012, including those allotments which may have been de-allocated prior to and during the pendency of the said Writ Petition ;

- (ii) all the coal bearing land acquired by the prior allottee and lands, in or adjacent to the coal mines used for coal mining operations acquired by the prior allottee;
 - (iii) any existing mine infrastructure as defined in clause (j);
- (q) "Schedule II coal mines" means the forty-two Schedule I coal mines listed in Schedule II which are the coal mines in relation to which the order of the Supreme Court dated 24th day of September, 2014 was made ;
- (r) "Schedule III coal mines" means the thirty-two Schedule I coal mines listed in Schedule III or any other Schedule I coal mine as may be notified under sub-section (2) of section 7 ;
- (s) "secured creditor" shall have the same meaning as assigned to it in clause (zd) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (54 of 2002) ;
- (t) "secured debt" shall have the same meaning as assigned to it in clause (ze) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ;
- (u) "security interest" shall have the same meaning as assigned to it in clause (zf) of section 2 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ;
- (v) "specified end-use" means any of the following end-uses and the expression "specified end-user" shall with its grammatical variations be construed accordingly,—
- (i) production of iron and steel ;
 - (ii) generation of power including the generation of power for captive use;

- (iii) washing of coal obtained from a mine;
- (iv) cement;
- (v) such other end-use as the Central Government may, by notification, specify;
- (w) "vesting order" means the vesting order issued under section 8.

(2) Words and expressions used herein and not defined, but defined in the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) and the Coal Mines (Nationalisation) Act, 1973 (26 of 1973) including any rules or regulations made thereunder, shall have the meanings, respectively assigned to them in those Acts.

CHAPTER II

Auction and allotment

4. *Eligibility to participate in auction and payment of fees.*—(1) Subject to the provisions of section 5, Schedule I coal mines shall be allocated by way of public auction in accordance with such rules, and on the payment of such fees which shall not exceed five crore rupees, as may be prescribed.

(2) Subject to the provisions in sub-section (3) of this section and section 5, the Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal, select any of the following companies through auction by competitive bidding, on such terms and conditions as may be prescribed—

- (a) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be, or any other company incorporated in India • or

(b) a company or a joint venture company formed by two or more companies, that carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be, and the State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal to such company as selected through auction by competitive bidding under this section.

(3) Subject to the provisions of section 5, the following persons who fulfil such norms as may be prescribed, shall be eligible to bid in an auction of Schedule II coal mines and Schedule III coal mines and to engage in coal mining operations in the event they are successful bidders, namely :—

(a) a company engaged in specified end-use including a company having a coal linkage which has made such investment as may be prescribed ;

Explanation :—A “company with a coal linkage” includes any such company whose application is pending with the Central Government on the date of commencement of this Ordinance ;

(b) a joint venture company formed by two or more companies having a common specified end-use and are independently eligible to bid in accordance with this Ordinance ;

(c) a Government company or corporation or a joint venture company formed by such company or corporation or with any other company having common specified end use :

Provided that nothing contained in sub-section (2) shall apply to this sub-section.

(4) A prior allottee shall be eligible to participate in the auction process subject to payment of the additional levy within such period as may be prescribed and if the prior allottee has not paid such levy, then, the prior allottee, its promoter or any of its company of such prior allottee shall not be eligible to bid either by itself or by way of a joint venture.

(5) Any prior allottee who is convicted for an offence relating to coal block allocation and sentenced with imprisonment for more than three years, shall not be eligible to participate in the auction.

5. Allotment of mines to Government companies or corporations.-

(1) Notwithstanding the provisions contained in sub-sections (1) and (3) of section 4, the Central Government may allot a Schedule I coal mine to a Government company or corporation or to a joint venture between two or more Government companies or corporations or to a company which has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects) from specified Schedule I coal mines by making an allotment order in accordance with such rules as may be prescribed and the State Government shall grant a reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal to such company or corporation :

Provided that the Government company or corporation may carry on coal mining in any form either for its own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be :

Provided further that no company other than a Government company or corporation shall hold more than twenty-six per cent of the paid up share capital in the Government company or corporation or in the joint venture between a Government company or corporation, either directly or through any of its subsidiary company or associate company :

Provided also that a joint venture of any two or more Government companies or corporations shall be prohibited from alienating or transferring any interest, except the taking of loans or advances from a bank or financial institution, in the joint venture of whatsoever nature including ownership in favour of a third party.

(2) No allotment under sub-section (1) shall be made to a prior allottee, if that allottee has not made the payment of the additional levy within the specified period.

6. Central Government to act through nominated authority.—(1)

The Central Government shall appoint an officer not below the rank of a Joint Secretary to the Government of India as the nominated authority who shall act for and on behalf of the Central Government for the purposes of this Ordinance and shall exercise such powers as may be prescribed.

(2) The nominated authority may engage any expert having such qualifications and experience and on such terms and conditions as may be prescribed to make recommendations to the authority for the conduct of auction and in drawing up of the vesting order or allotment order in relation to Schedule I coal mines.

(3) The Central Government shall act through the nominated authority for the following purposes, namely:—

- (a) conduct the auction process and allotment with the assistance of experts ;
- (b) execution of the vesting order for transfer and vesting of Schedule I coal mines pursuant to the auction ;
- (c) executing the allotment order for any Government company or corporation in pursuance of section 5 ;
- (d) recording and mutating incorporeal rights of whatsoever nature including, consents, permissions, permits, approvals, grants, registrations ;
- (e) collection of auction proceeds, adjustment of preferential payments and transfer of amount to the respective State Governments where Schedule I coal mine is located in accordance with the provisions of this Ordinance.

(4) The nominated authority shall complete the auction or execute the allotment orders of Schedule I coal mines within such time and in accordance with such rules as may be prescribed.

(5) The Central Government may appoint such other officers and staff as it may think fit to assist the nominated authority.

(6) The salaries and allowances and other terms and conditions of service of the nominated authority and such other officers and staff appointed under this section shall be such as may be prescribed.

(7) The nominated authority shall be bound by the written direction given by the Central Government on the question of policy.

7. Power to classify certain Schedule I coal mines by Central Government.—(1) The Central Government may, before notifying the particulars of auction, classify mines identified from Schedule I coal mines as earmarked for the same class of specified end uses.

(2) The Central Government may in public interest, by notification, modify Schedule III coal mines by adding any other Schedule I coal mine for the purposes of specified end use.

8. Nominated authority to issue vesting order or allotment order.—(1) The nominated authority shall notify the prior allottees of Schedule I coal mines to enable them to furnish information required for notifying the particulars of Schedule I coal mines to be auctioned in accordance with such rules as may be prescribed.

(2) The information required to be furnished under sub-section (1) shall be furnished within a period of fifteen days from the date of such notice.

(3) A successful bidder in an auction conducted on a competitive basis in accordance with such rules as may be prescribed, shall be entitled to the vesting of Schedule I coal mine for which it bid, pursuant to a vesting order drawn up in accordance with such rules.

(4) The vesting order shall transfer and vest upon the successful bidder, the following, namely:—

(a) all the rights, title and interest of the prior allottee, in Schedule I coal mine concerned with the relevant auction ;

(b) entitlement to a mining lease to be granted by the State

- (c) any statutory licence, permit, permission, approval or consent required to undertake coal mining operations in Schedule I coal mines if already issued to the prior allottee ;
- (d) rights appurtenant to the approved mining plan of the prior allottee ;
- (e) any right, entitlement or interest not specifically covered under clauses (a) to (d).

(5) The nominated authority shall, in consultation with the Central Government, determine the floor price or reserve price in accordance with such rules as may be prescribed.

(6) The successful bidder shall, prior to the issuance and execution of a vesting order, furnish a performance bank guarantee for an amount as notified in relation to Schedule I coal mine auctioned to such bidder within such time, form and manner as may be prescribed.

(7) After the issuance of a vesting order under this section and its filing with the Central Government and with the appropriate authority designated by the respective State Governments, the successful bidder shall be entitled to take possession of the Schedule I coal mine without let or hindrance.

(8) Upon the execution of the vesting order, the successful bidder of the Schedule I coal mine shall be granted a prospecting licence or a mining lease, as applicable, by the concerned State Government in accordance with the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957).

(9) A Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be, or any other company incorporated in India, allotted a Schedule I coal mine shall be granted a prospecting licence or a mining lease, as applicable, by the concerned State Government in accordance with the Mines and Minerals (Development

(10) In relation to Schedule II coal mines, the successful bidder which was a prior allottee, shall continue coal mining operations after the appointed date in terms of the approved mining plan, till the mining lease in terms of sub-section (8) is granted, upon the grant of a vesting order and to that extent, the successful bidder shall be deemed to have been granted a mining lease till the execution of the mining lease in terms of the said sub-section.

(11) In relation to Schedule II coal mines, the Government company or corporation which was a prior allottee can continue coal mining operations after the appointed date in terms of the approved mining plan, till the mining lease in terms of sub-section (9) is granted, upon execution of the allotment order and to that extent, the allottee shall be deemed to have been granted a mining lease till the execution of the mining lease in terms of the said sub-section.

(12) The provisions of sub-sections (1) and (2) and sub-sections (4) to (7) (both inclusive) of this section as applicable to a vesting order, shall *mutatis mutandis* be also applicable to an allotment order.

9. Priority of disbursal of proceeds.— The proceeds arising out of land and mine infrastructure in relation to a Schedule I coal mine shall be disbursed maintaining, *inter alia*, the priority of payments in accordance with the relevant laws and such rules as may be prescribed—

- (a) payment to secured creditors for any portion of the secured debt in relation to a Schedule I coal mine which is unpaid as on the date of the vesting order ;
- (b) compensation payable to the prior allottee in respect of the Schedule I coal mine.

CHAPTER III

Treatment of rights and obligations of prior allottees

10. Utilisation of movable property used in coal mining operations.—(1) A successful bidder or allottee in respect of Schedule I coal mines, may negotiate with prior allottee to own or utilise such movable property used in coal mining operations on such terms and conditions as

(2) Where a successful bidder or allottee is not vested with any movable property of a Schedule I coal mine, then, he is not bound by any liabilities or obligations arising out of such ownership or contractual rights, obligations or liabilities which shall continue to remain with the prior allottee.

(3) In the event that the successful bidder or allottee is unable to satisfactorily negotiate with the prior allottee or any third party who has a contract with the prior allottee for the movable property, it shall be the obligation of the prior allottee or the third party to remove such movable property within a period not exceeding thirty days from the date of the vesting order, or the allotment order, as the case may be, and the successful bidder or allottee shall not be liable for any damage to such property.

(4) A successful bidder or allottee which has elected not to purchase or transfer or continue to use the movable property referred to in sub-section (1), shall prior to the execution of the vesting order or the allotment order, as the case may be, declare to the nominated authority that he intends to move and store such movable property of the prior allottee or such third party and after the date of the vesting order or the allotment order, as the case may be, the successful bidder or allottee shall be entitled to move and store such movable property, so as not to cause any impediment for coal mining operations.

(5) If a prior allottee or such third party which has contracted with the prior allottee for its movable property, fails to remove the movable property which the successful bidder or allottee has elected not to purchase or use in accordance with sub-section (4), then, after the period of seventy-five days from the vesting order or the allotment order, as the case may be, a successful bidder or allottee shall be entitled to dispose of such movable property which may be physically located within Schedule I coal mine, the successful bidder or the allottee, shall, in such event be entitled to appropriate the sale proceeds of such movable property disposed of to pay for any cost incurred by the successful bidder or allottee, for the removal, storage, sale and disposal of such movable property, as a first charge over the sale

Provided that the remaining sale proceeds after appropriation of costs, shall be paid by the successful bidder or allottee to the Central Government towards any compensation that may be payable to the owner of such movable property sold, upon establishment of title to such movable property in accordance with such rules as may be prescribed :

Provided further that if a third party contractor to the prior allottee owns such movable property, then, such third party shall be entitled to prove its right to receive compensation from the sale proceeds of the movable property sold as per this sub-section, in accordance with such rules as may be prescribed.

11. Discharge or adoption of third party contracts with prior allottees.—(1) Notwithstanding anything contained in any other law for the time being in force, a successful bidder or allottee, as the case may be, in respect of Schedule I coal mines, may elect, to adopt and continue such contracts which may be existing with any of the prior allottees in relation to coal mining operations and the same shall constitute a novation for the residual term or residual performance of such contract :

Provided that in such an event, the successful bidder or allottee or the prior allottee shall notify the nominated authority to include the vesting of any contracts adopted by the successful bidder.

(2) In the event that a successful bidder or allottee elects not to adopt or continue with existing contracts which had been entered into by the prior allottees with third parties, in that case all such contracts which have not been adopted or continued shall cease to be enforceable against the successful bidder or allottee in relation to the Schedule I coal mine and the remedy of such contracting parties shall be against the prior allottees.

12. Provisions in relation to secured creditors.—(1) The secured creditors of the prior allottees which had any security interest in any part of the land or mine infrastructure of a Schedule I coal mine shall be entitled to—

- (a) continue with such facility agreements and security interest with the prior allottee if such prior allottee is a successful bidder or allottee ; and
- (b) in the event that the prior allottee is not a successful bidder or allottee, then the security interest of such secured creditor

shall only be satisfied out of the compensation payable to such prior allottee, to the extent determined in accordance with such rules as may be prescribed and the outstanding debt shall be recoverable from the prior allottee.

(2) The Central Government shall, taking into consideration the provisions contained in section 9, prescribe the manner in which the secured creditor shall be paid out of the compensation in respect of any prior allottee.

13. *Void alienations and permitted security interests.*—Any and all alienations of land and mine infrastructure and creation of any encumbrances of whatsoever nature thereon which relate to Schedule I coal mines, made by any prior allottee after the 25th day of August, 2014 shall be void, save and except any registered security interest and charge over the land and mine infrastructure as registered by a bank or a financial institution or any other secured lender.

14. *Liabilities of prior allottees.*—(1) Notwithstanding anything contained in any other law for the time being in force, no proceedings, orders of attachment, distress, receivership, execution or the like, suits for the recovery of money, enforcement of a security or guarantee (except as otherwise provided for under this Ordinance), prior to the date of commencement of this Ordinance shall lie, or be proceeded further with and no remedies shall be available against the successful bidder, or allottee, as the case may be, or against the land and mine infrastructure in respect of Schedule I coal mines.

(2) The proceedings as referred to in sub-section (1), shall continue as a personal remedy against the prior allottee but shall not be maintainable or continued against the land or mine infrastructure of Schedule I coal mines or the successful bidder or allottee, pursuant to this Ordinance.

(3) Every liability of any prior allottee in relation to a Schedule I coal mine in respect of any period prior to the vesting order or allotment order, shall be the liability of such prior allottee and shall be enforceable against it and not against the successful bidder or allottee or the Central Government.

(4) All unsecured loans shall continue to remain the liability of the

prior allottee.

(5) The additional levy imposed against the prior allottees of Schedule II coal mines shall continue to remain the liability of such prior allottees and such additional levy shall be collected by the Central Government in such manner as may be prescribed.

(6) For the removal of doubts, it is hereby declared that—

- (a) no claim for wages, bonus, royalty, rate, rent, taxes, provident fund, pension, gratuity or any other dues in relation to a Schedule I coal mine in respect of any period prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be ;
- (b) no award, decree, attachment or order of any court, tribunal or other authority in relation to any Schedule I coal mine passed prior to the date of commencement of this Ordinance, in relation to the land and mine infrastructure of Schedule I coal mines, shall be enforceable against the Central Government or the successful bidder or the allottee, as the case may be ;
- (c) no liability for the contravention of any provision of law for the time being in force, relating to any act or omission prior to the date of vesting order or allotment order, as the case may be, shall be enforceable against the successful bidder or allottee or the Central Government.

15. Commissioner of Payments to be appoint and his powers.—(1) For purposes of disbursing the amounts payable to the prior allottees of Schedule I coal mines, the Central Government shall appoint an officer not below the rank of Joint Secretary to the Government of India, to be the Commissioner of Payments.

(2) The Central Government may appoint such other officers and staff as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such officers also to exercise all or any of the powers exercisable by him under this Ordinance.

(3) Any officer authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on him directly by this Ordinance and not by way of authorisation.

(4) The salaries and allowances and other terms and conditions of service of the Commissioner and other officers and staff appointed under this section shall be such as may be prescribed.

(5) The Central Government shall, within a period of thirty days from such date as may be notified, pay to the Commissioner for payment to the prior allottee, an amount equal to the compensation determined by the nominated authority.

(6) Separate records shall be maintained by the Commissioner in respect of each Schedule I coal mine in relation to which payments have been made to him under this Ordinance.

16. Valuation of compensation for payment to prior allottee.—(1) The quantum of compensation for the land in relation to Schedule I coal mines shall be as per the registered sale deeds lodged with the nominated authority in accordance with such rules as may be prescribed, together with twelve per cent, simple interest from the date of such purchase or acquisition, till the date of the execution of the vesting order or the allotment order, as the case may be.

(2) The quantum of compensation for the mine infrastructure in relation to Schedule I coal mines shall be determined as per the written down value reflected in the statutorily audited balance sheet of the previous financial year in accordance with such rules and in such manner as may be prescribed.

(3) If the successful bidder or allottee is a prior allottee of any of the Schedule I coal mines, then, the compensation payable to such successful

bidder or allottee shall be set off or adjusted against the auction sum or the allotment sum payable by such successful bidder or allottee, as the case may be, for any of the Schedule I coal mines.

(4) The prior allottee shall not be entitled to compensation till the additional levy has been paid.

CHAPTER IV

Powers of the Central Government after the appointed date

17. Responsibility of Central Government after the appointed date.—(1) On and from the appointed date, the Central Government or a company owned by the Central Government shall be deemed to have become the lessee or licensee of the State Government in relation to each of the Schedule II coal mines, in respect of which a mining lease or prospecting licence has been granted prior to the date of commencement of this Ordinance, as if a mining lease or prospecting licence in relation to such coal mine had been granted to the Central Government or a company owned by the Central Government and the period of such lease or licence shall be the maximum period for which such lease or licence could have been granted by the State Government under the Mineral Concession Rules, 1960, and thereupon all the rights under such mining lease, including surface, underground and other rights shall be deemed to have been transferred to, and vested in, the Central Government or a company owned by the Central Government.

(2) On the expiry of the term of any lease or licence, referred to in sub-section (1), such lease or licence shall be renewed, by the State Government, in consultation with the Central Government for the maximum period for which such lease or licence can be renewed under the Mineral Concession Rules, 1960.

(3) As it is considered expedient and necessary in the public interest and in view of the difficult situation which has arisen, the powers of the State Government, under the Mines and Minerals (Development and Regulation) Act 1957 (67 of 1957) to prematurely terminate a prospecting

licence or mining lease, shall stand suspended, in relation to Schedule I coal mines, for a period of one year from the date of commencement of this Ordinance or such other period as may be notified by the Central Government.

18. Central Government to appoint designated custodian.—(1)

On and from the appointed date, if the auction or allotment of Schedule I coal mines is not complete, the Central Government shall appoint any person as a designated custodian to manage and operate such coal mines as may be notified by the Central Government.

(2) The designated custodian shall act for and on behalf of the Central Government in respect of the notified coal mines under sub-section (1) to operate and manage such Schedule I coal mines in such manner as may be notified, till the completion of the auction of such coal mines or allotment under section 4 and section 5 read with section 8, as the case may be.

19. Power and functions of the designated custodian in respect of Schedule II coal mines.—(1) The designated custodian appointed under sub-section (1) of section 18, shall be entitled to take control and possession of all lands, in or adjacent to Schedule II coal mines, and used for coal mining operations and the mine infrastructure in relation to Schedule II coal mine, on behalf of the Central Government.

(2) The designated custodian may direct the prior allottees or any other persons incharge of the management of the Schedule II coal mine and coal mining operations immediately before the appointed date to provide the requisite manpower, as may be necessary, to ensure continuity in coal mining operations and production of coal.

(3) The designated custodian shall receive, to the exclusion of all other persons, any monies due to Schedule II coal mines, notwithstanding cases where such receipt pertains to a transaction made at any time before the appointed date.

(4) The designated custodian may call for any information, records and documents in relation to Schedule II coal mines and coal mining

operations from any or all such persons who were incharge of the management and operation of such Schedule II coal mines prior to the appointed date, and such persons shall be bound to deliver to the designated custodian all such documents in their custody relating to Schedule II coal mines.

(5) The designated custodian may appoint such consultants or experts, as may be necessary, in relation to the management and operation of Schedule II coal mines.

(6) The designated custodian shall transfer the management and operation of any Schedule II coal mines to such person in such manner as may be prescribed.

(7) The designated custodian shall have rights, liabilities and obligations as a prior allottee or a successful bidder in respect of coal mines entrusted to it under section 18, to be exercised and discharged in such manner as may be prescribed.

(8) The designated custodian shall have the power to perform such other functions which may be consequential or incidental to the functions specified under this section.

(9) Notwithstanding anything contained in any other law for the time being in force, the designated custodian shall, in exercise of its powers or the performance of its functions under this Ordinance, be bound by such directions on questions of policy, as the Central Government may give in writing to it from time to time.

CHAPTER V

Certain Arrangements

20. Power of Central Government to approve Certain Arrangements.—(1) A successful bidder or allottee or coal linkage, holder shall, with prior approval of the Central Government and in accordance with such rules as may be prescribed, be entitled to enter into certain arrangements or arrangements with other entities.

coal linkage holder, as the case may be, for optimum utilisation of coal mine for the same end-uses in the public interest and to achieve cost efficiencies.

(2) A successful bidder or allottee may also use the coal mine from a particular Schedule I coal mine for any of its plants engaged in common specified end-uses, in accordance with such rules as may be prescribed.

CHAPTER VI

Miscellaneous

21. *Acquisition of land.*—(1) All existing land acquisition proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013), in relation to Schedule I coal mines, shall continue in respect of such areas of land in accordance with the provisions of the said Act.

(2) All such areas of land which are not subject matter of land acquisition proceedings, in relation to the coal mines, under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) may be proceeded with by the Central Government in terms of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957).

(3) The State Governments which have initiated land acquisition proceedings under provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and all such lands which are also subject matter of the said Act in respect of Schedule I coal mines, shall—

- (a) not transfer any land to the prior allottees which have been acquired under the said Act ;
- (b) continue the land acquisition proceedings till the appointed date ;
- (c) for such Schedule I coal mines which have not vested in the successful bidder or the allottee, as the case may be, by the appointed date, continue the land acquisition proceedings for and on behalf of the Central

- (d) upon the vesting or the allotment, as the case may be, after the appointed date, continue such land acquisition proceedings on behalf of the successful bidder or the allottee.

22. Realisation of additional levy.—If a prior allottee of Schedule II coal mine fails to deposit the additional levy with the Central Government within the specified time, then, such additional levy shall be realised as the arrears of land revenue.

23. Penalties for certain offences.—If any person—

- (a) obstructs or causes any impediment in taking possession or in the management and operation of the Schedule I coal mines by the Central Government or the designated custodian ; or
- (b) fails to deliver to the designated custodian any books of account, registers or any other document in his custody relating to Schedule I coal mines and coal mining operations in respect of the management of which the designated custodian has been appointed ; or
- (c) destroys or misuses any mine infrastructure or coal stock ; or
- (d) retains any property of such coal mine or removes or destroys it, he and any officer-in-default of the company shall be punishable with imprisonment for a term which may extend to two years, or with the minimum fine of one lakh rupees per day and in the case of continuing failure, with a maximum fine of two lakh rupees for every day during which the failure continues or with both, depending upon the nature of the offence.

24. Penalty for failure to comply with directions of Central Government.—If any person fails to comply, without reasonable cause, with a direction given by the Central Government or nominated authority or the designated custodian, he shall be punishable with a fine of one lakh rupees and in the case of continuing failure with a maximum fine of two lakh rupees for every day during which the failure continues, depending upon the nature of the offence.

25. Offences by companies.—(1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was incharge of, and was responsible to, the company for the conduct of business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge and that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

26. Cognizance of offences.—No court shall take cognizance of any offence punishable under this Ordinance or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or nominated authority or the designated custodian.

27. Dispute settlement and bar of jurisdiction of civil courts.—(1) Any dispute arising out of any action of the Central Government, nominated authority or Commissioner of Payment or designated custodian, or any dispute between the successful bidder or allottee and prior allottee arising out of any issue connected with the Ordinance shall be adjudicated by the Tribunal constituted under the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957).

(2) Where the Central Government is of the opinion that any dispute arising out of any issue connected with the Ordinance exists or is apprehended and the dispute should be adjudicated by the Tribunal referred to in

sub-section (1), then, the Central Government may by order in writing, refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, to the Tribunal for adjudication.

(3) The Tribunal referred to in sub-section (1) shall, after hearing the parties to the dispute, make an award in writing within a period of ninety days from the institution or reference of the dispute.

(4) On and from the commencement of the Ordinance, no court or other authority, except the Supreme Court and a High Court, shall have, or be entitled to exercise, any jurisdiction, powers or authority, in relation to matters connected with the Ordinance.

28. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Central Government, nominated authority, Commissioner of Payment, or designated custodian or any person acting on their behalf, in respect of anything which is done or intended to be done in good faith under this Ordinance.

29. *Ordinance to have overriding effect.*—The provisions of this Ordinance shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in any instrument having effect by virtue of any such law.

30. *Amendment of certain Acts contained in Schedule IV.*—On and from the date of commencement of this Ordinance, the Coal Mines (Nationalisation) Act, 1973 (26 of 1973) and the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957) shall stand amended in the manner provided in Schedule IV.

31. *Power to make rules.*—(1) The Central Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the provisions of this Ordinance.

(2) In particular, and without prejudice the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of allocation of Schedule I coal mines by way of public auction and details of fees under sub-section (1) of section 4 ;
- (b) the terms and conditions for granting reconnaissance permit, prospecting licence or mining lease and the manner and conditions of competitive bidding under sub-section (2) of section 4 ;
- (c) norms to become eligible to bid in an auction and the amount of investment in respect of a company having a coal linkage under sub-section (3) of section 4 ;
- (d) the period within which the payment of additional levy by the prior allottee under sub-section (4) of section 4 ;
- (e) the allotment order to make allocations to a Government company or corporation under sub-section (1) of section 5 ;
- (f) the powers of the nominated authority under sub-section (1) of section 6 ;
- (g) the manner of auction or allotment of Schedule I coal mines and execution of the vesting or allotment orders under sub-section (4) of section 6 ;
- (h) the salaries and allowances and other terms and conditions of service of the nominated authority and other officers and staff under sub-section (6) of section 6 ;
- (i) the manner of notifying the particulars of Schedule I coal mines to be auctioned and furnishing of required information by the prior allottees under sub-section (1) of section 8 ;
- (j) the manner of conducting auction and drawing of a vesting order under sub-section (3) of section 8 ;

- (k) determination of floor price by the nominated authority under sub-section (5) of section 8 ;
- (l) the form and manner of furnishing of bank guarantee and the time within which such furnishing of bank guarantee under sub-section ((6) of section 8 ;
- (m) the manner of disbursement of priority payments under section 9 ;
- (n) the manner of establishing title of movable property by the prior allottee or third party who has a contract with the prior allottee for the movable property under the first proviso to sub-section (5) of section 10 ;
- (o) the manner of receiving compensation from the sale proceeds of the movable property under the second proviso to sub-section (5) of section 10 ;
- (p) the manner in which the secured creditor paid out of the compensation in respect of any prior allottee under sub-section (2) of section 12 ;
- (q) the manner of collection of additional levy by the Central Government from the prior allottees of Schedule II coal mines under sub-section (5) of section 14 ;
- (r) the salaries and allowances and other terms and conditions of service of the Commissioner of Payments and other officers and staff under sub-section (4) of section 15 ;
- (s) the manner of determination of compensation payable to prior allottee and the lodging of registered sale deeds with the nominated authority under sub-section (1) of section 16 ;
- (t) the method of determination of compensation for mine infrastructure in relation to Schedule I and its reflection in the statutorily audited balance sheet under sub-section (2)

- (u) the manner of transfer of the management and operation of any Schedule II coal mines by the designated custodian under sub-section (6) of section 19 ;
- (v) the manner of exercising and discharging the rights, liabilities and obligations by the designated custodian under sub-section (7) of section 19 ;
- (w) the manner of providing agreements or arrangements for optimum utilisation of coal mine for specified end-uses under sub-section (1) of section 20 ;
- (x) the manner of usage of coal mine by a successful bidder or allottee for any of its plants under sub-section (2) of section 20 ;
- (y) any other matter which is required to be, or may be, prescribed.

(3) Every rule made and every notification issued by the Central Government, under this Ordinance, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or notification, or both Houses agree that the rule or notification should not be made, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

32. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Ordinance, as appear to it to be necessary or expedient for removing the difficulty :

Provided that no such order shall be made after the expiry of a period

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

33. *Repeal and saving.*—(1) The Coal Mines (Special Provisions) Ordinance, 2014 (5 of 2014) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall, without prejudice to the judgment of the Supreme Court dated 25th of August, 2014 and its order dated 24th September, 2014 passed in Writ Petition (Criminal) No. 120 of 2012, be deemed to have been done or taken under the corresponding provisions of this Ordinance.

SCHEDULE-I

[See section 3(l)(p)]

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
1	2	3	4
1	Tadicherla-I	Andhra Pradesh Power Generation Corp. Ltd.	Telangana
2	Anesttipali	Andhra Pradesh Power Generation Corp. Ltd.	Telangana
3	Punkula-Chilka	Andhra Pradesh Power Generation Corp. Ltd.	Telangana
4	Penagaddppa	Andhra Pradesh Power Generation Corp. Ltd.	Telangana
5	Namchik Namphuk	Arunachal Pradesh Mineral Dev.&Trading Corporation	Arunachal Pradesh
5	Sayang	AES Chhattisgarh Energy Pvt. Ltd	Chhattisgarh
7	Rajgamar Dipside (Deavnara)	API Ispat & Power Tech. Pvt. Ltd., CG Sponge Manufacturers Consortium Coalfield Pvt. Ltd.	Chhattisgarh
8	Durgapur-II/Taraimar	Bharat Aluminium Company Ltd.	Chhattisgarh

9	Datima	Binani Cement Ltd.	Chhattisgarh
10	Tara	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
11	Gare Pelma, Sector-I	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
12	Shankarpur Bhatgaon II Extn.	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
13	Sondhia	Chhattisgarh Mineral Development Corporation Limited	Chhattisgarh
14	Parsa	Chhattisgarh State Electricity Board	Chhattisgarh
15	Vijay Central	Coal India Limited^SKS Ispat & Power Ltd.	Chhattisgarh
16	Gidhmuri	Chattishgarh State Electricity Board	Chhattisgarh
17	Paturia	Chattishgarh State Electricity Board	Chhattisgarh
18	Durgapur-II/Sarya	DB Power Ltd.	Chhattisgarh
19	Bhaskarpara	Electrotherm (India) Ltd., Grasim Industries Ltd.	Chhattisgarh
20	West of Umaria	Sainik Finance and Industries Ltd. (Earlier Garuda Clays Ltd.)	Chhattisgarh
21	Morga II	Gujrat Mineral Development Corporation	Chhattisgarh

22	Gare Palma Sector III	Goa Industrial Development Corporation	Chhattisgarh
23	Madanpur South	Hindustan Zinc Ltd., Akshya Investment Pvt. Ltd, Chhattisgarh Steel & Power Ltd., Chhattisgarh Electricity Corporation Ltd., MSP Steel & Power Ltd., Chhattisgarh Captive Coal Mining Ltd. (Consortium of five Co.)	Chhattisgarh
24	Nakia I	Ispat Godavari Ltd. , Ind Agro Synergy Ltd., Shri Nakoda Ispat Ltd., Vandana Gobal Ltd., Shree Bajrang Power & Ispat Ltd.	Chhattisgarh
25	Nakia II	Ispat Godavari, Ind Agro Synergy, Shri Nakoda Ispat, Vandana Gobal Ltd., Shree Bajrang Power & Ispat Ltd.	Chhattisgarh
26	Gare Palma-IV/4	Jayaswal Neco Ltd.	Chhattisgarh
27	Gare Palma-IV/8	Jayaswal Neco Ltd.	Chhattisgarh
28	Gare Palma-IV/2	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
29	Gare Palma-IV/3	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
30	Gare Palma-IV/1	Jindal Strips Limited (Now Jindal Steel & Power Ltd.)	Chhattisgarh

31	Gare Paima IV/6	Jindal Steel & Power Ltd, Nalwa Sponge Iron Ltd.	Chhattisgarh
32	Fatehpur East	JLD Yavatmal Energy Ltd, R.K.M. Power Gen. Pvt. Ltd, Chhattisgarh Visa Power Ltd, Green Infrastructure Pvt. Ltd. Vandana Vidyut Ltd.	Chhattisgarh
33	Morga-I	Madhya Pradesh State Mining Corporation Limited	Chhattisgarh
34	Morga III	Madhya Pradesh State Mineral Corporation Limited	Chhattisgarh
35	Morga IV	Madhya Pradesh State Mineral Corporation Limited	Chhattisgarh
36	Gare Palma Sector II	Maharastra State Mining Corpn. Ltd.,Tamil Nadu State Electricity Board	Chhattisgarh
37	Gare Palma-IV/5	Monet Ispat Ltd.	Chhattisgarh
38	Rajgamar Dipside (South of Phulakdih Nala)	Monnet Ispat and Energy Ltd., Topworth Steel Pvt. Ltd.	Chhattisgarh
39	Talaipali	National Thermal Power Ltd.	Chhattisgarh
40	Chotia	Prakash Industries Ltd.	Chhattisgarh
41	Gare Palma-IV/7	Raipur Alloys & Steel Ltd. (Now Sarda Energy and Mineral Limited)	Chhattisgarh

42	Parsa East	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL) Chhattisgarh
43	Kesla North	Rathi Udyog Ltd. Chhattisgarh
44	Kanta Basan	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL) Chhattisgarh
45	Panchbahani	Shree Radhe Industries Ltd. Chhattisgarh
46	Fatehpur	SKS Ispat and Power Ltd., Prakash Industries Ltd. Chhattisgarh
47	Madanpur (North)	Ultratech Ltd., Singhal Enterprise Ltd., Nav Bharat Coalfield Ltd., Vandana Energy & Steel Pvt. Ltd., Prakash Industries Ltd, Anjani Steel Pvt. Ltd., Chhattisgarh Captive Coal Mining Ltd. (Consortium of five Co.) Chhattisgarh
48	Brinda	Abhijeet Infrastructure Pvt. Ltd. Jharkhand
49	Sasai	Abhijeet Infrastructure Pvt. Ltd. Jharkhand
50	Meral	Abhijeet Infrastructure Pvt. Ltd. Jharkhand
51	Seregarga	Arcelor Mittal India Ltd., GVK Power (Govindwal Sahib) Ltd. Jharkhand

Patal East	Bhushan Power and Steel Ltd.	Jharkhand
Saria Koiyatand	Bihar Rajya Khanij Vikas Nigam (BRKVN) Patna	Jharkhand
Macherkunda	Bihar Sponge Iron Ltd.	Jharkhand
Brahmadiha	Castron Technologies Ltd.	Jharkhand
Mahuagarhi	Calcutta Electricity Supply Corporation Ltd. (CESC), Jas Infrastructure Capital Pvt. Ltd.	Jharkhand
Chitarpur	Corporate Ispat Alloys Ltd.	Jharkhand
Saharpur Jamarpani	Damodar Valley Corporation	Jharkhand
Lalgarh (North)	Domco Smokeless Fuel Pvt. Ltd.	Jharkhand
Parbatpur Central	Electrosteel Castings Ltd.	Jharkhand
Chakla	Essar Power Ltd.	Jharkhand
Ashok Karkatta Central	Essar Power Ltd.	Jharkhand
Jainagar	Gujarat Mineral Development Corporation (GMDC)	Jharkhand
Tokisud North	GVK Power (Govindwal Sahib) Ltd.	Jharkhand

Tubed	Hindalco Industries Ltd., Tata Power Company Ltd.	Jharkhand
Moitra	Jayaswal Neco Ltd.	Jharkhand
North Dhadu	Jharkhand Ispat Pvt. Ltd, Pavanjay Steel & Power Ltd, Electrosteel Castings Ltd., Adhunik Alloys & Power Ltd.	Jharkhand
Banhardih	Jharkhand State Electricity Board	Jharkhand
Sugia Closed mine	Jharkhand State Mineral Development Corporation	Jharkhand
Rauta Closed mine	Jharkhand State Mineral Development Corporation	Jharkhand
Burakhap small patch	Jharkhand State Mineral Development Corporation	Jharkhand
Pindra-Debipur- Khaowatand	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
Latehar	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
Patratu	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
Rabodih OCP	Jharkhand State Mineral Development Corporation Ltd.	Jharkhand
Jogeshwar & Khas Jogeshwar	Jharkhand State Mineral Development Corporation	Jharkhand

1	Jitpur	Jindal Steel & Power Ltd.	Jharkhand
2	Amarkonda Murgadangal	Jindal Steel and Power Ltd., Gagan Sponge Iron Pvt. Ltd.	Jharkhand
3	Urma Paharitola	Jharkhand State Electricity Board, Bihar State Mineral Development Corporation Ltd.	Jharkhand
4	Rohne	JSW Steel Ltd., Bhushan Power & Steel Ltd., Jai Balaji Industries Ltd.	Jharkhand
5	Gomia	Metals and Minerals Trading Corporation	Jharkhand
6	Rajhara North (Central & Eastern)	Mukund Limited, Vini Iron & Steel Udyog Limited	Jharkhand
7	Dumri	Nilachal Iron & Power Ltd., Bajrang Ispat Pvt. Ltd.	Jharkhand
8	Kerandari	National Thermal Power Ltd.	Jharkhand
9	Chatti Bariatu	National Thermal Power Ltd.	Jharkhand
10	Chhati Bariatu South	National Thermal Power Ltd.	Jharkhand
11	Brahmini	National Thermal Power Ltd.+ Coal India Limited JV	Jharkhand
12	Chichro Patsimal	National Thermal Power Ltd.+ Coal India Limited JV	Jharkhand

9	Pachwara Central	Punjab State Electricity Board	Jharkhand
10	Mahal	Rashtriya Ispat Nigam Limited	Jharkhand
11	Tenughat-Jhirki	Rashtriya Ispat Nigam Limited	Jharkhand
12	Bundu	Rungta Mines Limited	Jharkhand
13	Mednirai	Rungta Mines Limited, Kohinoor Steel (P) Ltd.	Jharkhand
14	Choritand Tiliaya	Rungta Mines Limited, Sunflag Iron & Steel Co. Ltd.	Jharkhand
15	Sitanala	Steel Authority of India Ltd.	Jharkhand
16	Ganeshpur	Tata Steel Ltd., Adhunik Thermal Energy	Jharkhand
17	Bàdam	Tenughat Vidyut Nigam Limited	Jharkhand
18	Rajbar E&D	Tenughat Vidyut Nigam Limited	Jharkhand
19	Gondulpara	Tenughat Vidyut Nigam Limited, Damodar Valley Corporation	Jharkhand
20	Kotre Basantpur	Tata Iron and Steel Co. Ltd. (Now Tata Steel Ltd.)	Jharkhand

101	Pachmo	Tata Iron and Steel Co. Ltd. (Now Tata Steel Ltd.)	Jharkhand
102	Lohari	Usha Martin Ltd.	Jharkhand
103	Kathautia	Usha Martin Ltd.	Jharkhand
104	Pachwara North	West Bengal Power Development Corporation Limited (WBPDCL)	Jharkhand
105	Suliayari	Andhra Pradesh Mineral Development Corporation	Madhya Pradesh
106	Bikram	Birla Corporation Ltd.	Madhya Pradesh
107	Gotitoria (East)	BLA Industries Ltd.	Madhya Pradesh
108	Gotitoria (West)	BLA Industries Ltd.	Madhya Pradesh
109	Mahan	Essar Power Ltd., Hindalco Industries Ltd.	Madhya Pradesh
110	Mandla North	Jaiprakash Associates Ltd.	Madhya Pradesh
111	Urtan North	Jindal Steel & Power Ltd., Monet Ispat and Energy Ltd.	Madhya Pradesh
112	Thesgora-B/Rudrapuri	Kamal Sponge Steel & Power Limited, Revati Cement P. Ltd.	Madhya Pradesh
113	Amelia	Madhya Pradesh State Mining Corporation	Madhya Pradesh
114	Amelia (North)	Madhya Pradesh State Mining Corporation	Madhya Pradesh

115	Mandla South	Madhya Pradesh State Mining Corporation Ltd.	Madhya Pradesh
116	Dongeri Tal-II	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
117	Marki Barka	Madhya Pradesh State Mining Corporation (MPSMC)	Madhya Pradesh
118	Semaria/Piparia	Madhya Pradesh State Mining Corporation (MPSMC)	Madhya Pradesh
119	Bicharpur	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh
120	Tandsi-III & Tandsi-III (Extn.)	Mideast Integrated Steels Ltd.	Madhya Pradesh
121	Sahapur East	National Mineral Dev. Corp.	Madhya Pradesh
122	Sahapur West	National Mineral Dev. Corp.	Madhya Pradesh
123	Mara II Mahan	NCT of Delhi, Delhi, Haryana Power Generation Generation Corp. Ltd. (HPGCL)	Madhya Pradesh
124	Sial Ghoghri	Prism Cement Limited	Madhya Pradesh
125	Brahampuri	Pushp Steel and Mining Ltd.	Madhya Pradesh

126	Rawanvvara North	SKS Ispat Limited	Madhya Pradesh
127	Bander	AMR Iron & Steels Pvt. Ltd., Century Textiles & Industries Ltd., J. K. Cement Ltd.	Maharashtra
128	Marki Mangli-I	B. S. Ispat Ltd.	Maharashtra
129	Takli-Jena-Bellora (North) & Takli-Jena-Bellora (South)	Central Collieries Co. Ltd. and Lloyds Metals & Engineering Ltd.	Maharashtra
130	Dahegaon/Makard Hokra-IV	1ST Steel & Power Ltd., Gujarat Ambuja Cement Ltd., Lafarge India Pvt. Ltd.	Maharashtra
131	Gondkhari	Maharashtra Seamless Limited, Dhariwal Infrastructure (P) Ltd., Kesoram Industries Ltd.	Maharashtra
132	Marki-Zari-Jamani-Adkoli	Maharastra State Mining Corpn. Ltd.	Maharashtra
133	Lohara (East)	Murli Industries Ltd., Grace Industries Ltd.	Maharashtra
134	Khappa & Extn.	Sunflag Iron & Steel Ltd, Dalmia Cement (Bharat) Ltd.	Maharashtra
135	Lohara West Extn.	Adani Power Ltd.	Maharashtra

136	Warora West (North)	Bhatia International Ltd.	Maharashtra
137	Kosar Dongergaon	Chaman Metaliks Ltd.	Maharashtra
138	Warora (West) Southern Part	Fieldmining & Ispat Ltd.	Maharastra
139	Chinora	Fieldmining & Ispat Ltd.	Maharashtra
140	Majra	Gondwana Ispat Ltd.	Maharashtra
141	Nerad Malegaon	Gupta Metallics & Power Ltd., Gupta Coalfields & Washeries Ltd.	Maharashtra
142	Baranj-I	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
143	Baranj-II	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
144	Baranj-III	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
145	Baranj-IV	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
146	Kiloni	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra

7	Manora Deep	Karnataka Power Corp. Ltd. (KPCL)	Maharashtra
3	Agarzari	Maharastra State Mining Corporation Limited (MSMCL)	Maharashtra
1	Warora	Maharashtra State Mining Corporation Limited (MSMCL)	Maharashtra
1	Bhandak West	Shree Baidyanath Ayurved Bhawan Ltd.	Maharashtra
1	Marki Mangli-II	Shree Veerangana Steel Limited.	Maharashtra
1	Marki Mangli-III	Shree Veerangana Steel Limited.	Maharashtra
1	Marki Mangii-IV	Shree Veerangana Steel Limited.	Maharashtra
	Belgaon	Sunflag Iron & Steel Co. Ltd.	Maharashtra
	Mandakini B	Assam Mineral Dev. Corporation Ltd., Meghalaya Mineral Dev. Corp, Tamil Nadu Electricity Board, Odisha Mining Corporation Ltd.	Odisha
	New Patrapara	Bhusan Steel & Strips Ltd., Adhunik Metaliks Ltd., Deepak Steel & Power Ltd., Adhunik Corp. Ltd., Odisha Sponge Iron Ltd., SMC Power Generation Ltd., Sree Metaliks Ltd., Visa Steel Ltd.	Odisha
	Bijahan	Bhushan Ltd, Shri Mahavir Ferro Alloys Pvt. Limited	Odisha

8	Jamkhani	Bhushan Ltd.	Odisha
9	Naini	Gujarat Mineral Development Corporation, Pondichery Industrial Promotion Development and Investment Corporation Limited	Odisha
0	Mahanadi	Gujarat State Electricity Corporation Limited, Maharashtra State Electricity Board	Odisha
1	Machhakata	Gujarat State Electricity Corporation Limited, Maharashtra State Electricity Board	Odisha
2	Talabira-I	Hindalco Industries Ltd.	Odisha
3	Ramchandi Promotion Block	Jindal Steel & Power Limited	Odisha
4	Utkal B 1	Jindal Steel & Power Ltd.	Odisha
5	Baitarni West	Kerala State Electricity Board, Odisha Hydro Power Corp., Gujarat Power Corporation Ltd.	Odisha

6	Talabira II & III	Mahanadi Coalfields Ltd. (MCL), Neyveli Lignite Corporation Ltd., Hindalco Industries Ltd.	Odisha
7	Utkal-A	Mahanadi Coalfields Ltd. (MCL), JSW Steels Ltd., Jindal Thermal Power Comp. Ltd., Jindal Stainless Steels Ltd., Shyam DRI Ltd.	Odisha
8	Utkal-B2	Monet Ispat Ltd.	Odisha
9	Mandukini	Monet Ispat Energy Ltd, Jindal Photo Ltd,Tata Power Company Ltd.	Odisha
10	Utkal 'E'	National Aluminium Corporation	Odisha
11	Dulanga	National Thermal Power Corporation	Odisha
12	Utkal-D	Odisha Mining Corporation	Odisha
13	Nuagaon Telisahi	Odisha Mining Corporation, Andhra Pradesh Mineral Development (APMDC)	Odisha
14	Manoharpur	Odisha Power Generation Corporation	Odisha
15	Dipseide Manoharpur	Odisha Power Generation Corporation	Odisha

76	Radhikapur (West)	Rungta Mines Limited, OCL India Ltd., Ocean Ispat Ltd.	Odisha
77	Rampia	Sterlite Energy Ltd. (IPP), GMR Energy Ltd. (IPP), Arcelor Mittal India Ltd. (CPP), Lanco Group Ltd. (IPP), Navbharat Power Pvt. Ltd. (IPP), Reliance Energy Ltd. (IPP)	Odisha
78	Dip Side of Rampia	Sterlite Energy Ltd. (IPP), GMR Energy (IPP), Arcelor Mittal India Ltd. (CPP), Lanco Group Ltd. (IPP), Navbharat Power Pvt. Ltd. (IPP), Reliance Energy Ltd. (IPP)	Odisha
9	North of Arkhapal Srirampur	Strategic Energy Technology Systems Limited (SETSL)	Odisha
0	Radhikapur (East)	Tata Sponge Iron Ltd. Scaw Industries Ltd., SPS Sponge Iron Ltd.	Odisha
1	Chendipada	Uttar Pradesh Rajya Vidut Utpadan Ltd. Chattishgarh Mineral Development Corporation Limited, Maharashtra State Power Generation Corporation Ltd.	Odisha

182	Chendipada-II	Uttar Pradesh Rajya Vidut Utpadan Limited, Chattishgarh Mineral Development Corporation Limited , Maharashtra State Power Generation Corporation Ltd.	Odisha
183	Utkal-C	Utkal Coal Ltd. (formerly ICCL)	Odisha
184	Biharinath	Bankura DRI Mining Manufacturers Co. Pvt. Ltd.	West Bengal
185	Andal East	Bhushan Steel Ltd., Jai Balaji Industries Ltd., Rashmi Cement Ltd.	West Bengal
186	Barjora (North)	Damodar Valley Corporation	West Bengal
187	Kagra Joydev	Damodar Valley Corporation	West Bengal
188	Kasta (East)	Damodar Valley Corporation	West Bengal
189	Gourangdih ABC	Himachal EMTA Power Ltd. JSW Steel Ltd.	West Bengal
190	Moira-Madhujore	Ramsarup Lohh Udyog Ltd., Adhunik Corporation Ltd., Uttam Galva Steels Ltd., Howrah Gases Ltd., Vikas Metal & Power Ltd., ACC Ltd.	West Bengal
191	Sarisatolli	Calcutta Electricity Supply Corporation Ltd.	West Bengal

1	2	3	4
192	Ardhagram	Sova Ispat Limited, Jaibalaji Sponge Ltd.	West Bengal
193	Tara (West)	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
194	Gangaramchak	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
195	Barjora	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
196	Gangaramchak-Bhadulia	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
197	Tara (East)	West Bengal State Electricity Board	West Bengal
198	Jaganathpur B	West Bengal Mineral Development & Trading. Corp.	West Bengal
199	Sitarampur	West Bengal Mineral Dev. & Trading Corp. Ltd.	West Bengal
200	Trans Damodar	West Bengal Mineral Dev. & Trading. Corp. Ltd.	West Bengal
201	Ichhapur	West Bengal Mineral Dev. & Trading. Corp. Ltd.	West Bengal

02	Kulti	West Bengal Mineral Dev. & Trading. Corp. Ltd.	West Bengal
03	Jaganathpur A	West Bengal Mineral Dev. & Trading. Corp. Ltd.	West Bengal
04	East of Damogoria (Kalyaneshwari)	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal

SCHEDULE-II*[See section 3(l)(q)]*

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
1	2	3	4
1	Namchik Namphuk	Arunachal Pradesh Mineral Dev. & Trading Corporation	Arunachal Pradesh
2	Gare-Palma- IV/4	Jayasswal Neco Ltd.	Chhattisgarh
3	Gare-Palma-IV/2	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
4	Gare-Palma-IV/3	Jindal Power Ltd. (Now Jindal Steel & Power Ltd.)	Chhattisgarh
5	Gare-Palma-IV/1	Jindal Strips Limited (Now Jindal Steel & Power Ltd.)	Chhattisgarh
6	Gare-Palma-IV/5	Monet Ispat Ltd.	Chhattisgarh
7	Chotia	Prakash Industries Ltd.	Chhattisgarh

3	Gare-Palma-IV/7	Raipur Alloys & Steel Ltd. (Now Sarda Energy and Mineral Limited)	Chhattisgarh
9	Parsa East	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
0	Kanta Basan	Rajasthan Rajya Vidyut Utpadan Nigam Ltd. (RRVUNL)	Chhattisgarh
1	Parbatpur-Central	Electrosteel Castings Ltd.	Jharkhand
2	Tokisud North	GVK Power (Govindwal Sahib) Ltd.	Jharkhand
3	Pachwara Central	Punjab State Electricity Board	Jharkhand
4	Kathautia	Usha Martin Ltd.	Jharkhand
5	Pachwara North	West Bengal Power Development Corporation Limited (WBPDCL)	Jharkhand
6	Gotitoria (East)	BLA Industries Ltd.	Madhya Pradesh
7	Gotitoria (West)	BLA Industries Ltd.	Madhya Pradesh
8	Mandla North	Jaiprakash Associates Ltd.	Madhya Pradesh
9	Amelia (North)	Madhya Pradesh State Mining Corporation	Madhya Pradesh
0	Bicharpur	Madhya Pradesh State Mining Corporation	Madhya Pradesh

1	2	3	4
21	Sial Ghoghri	Prism Cement Limited	Madhya Pradesh
22	Marki Mangli-I	B. S. Ispat Ltd.	Maharashtra
23	Baranj-I	Kamataka Power Corp. Ltd. (KPCL)	Maharastra
24	Baranj-II	Kamataka Power Corp. Ltd. (KPCL)	Maharastra
25	Baranj-III	Kamataka Power Corp. Ltd. (KPCL)	Maharastra
26	Baranj-IV	Kamataka Power Corp. Ltd. (KPCL)	Maharastra
27	Kiloni	Kamataka Power Corp. Ltd. (KPCL)	Maharastra
28	Manora Deep	Kamataka Power Corp. Ltd. (KPCL)	Maharastra
29	Marki Mangli-II	Shree Veerangana Steels Limited	Maharastra
30	Marki Mangli-III	Shree Veerangana Steels Limited	Maharastra
31	Belgaon	Sunflag Iron & Steel Co. Ltd.	Maharastra
32	Talabira-I	Hindalco Industries Ltd.	Odisha
33	Barjora (North)	Damodar Valley Corporation	West Bengal

Kogra Joydev	Damodar Valley Corporation	West Bengal
Sarisatolli	Calcutta Electricity Supply Corporation Ltd.	West Bengal
Ardhagram	Sova Ispat Limited, Jai Balaji Sponge Ltd.	West Bengal
Tara (West)	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
Gangaramchak	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
Barjora	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
Gangaramchak-Bhadulia	West Bengal Power Development Corporation Limited (WBPDCL)	West Bengal
Tara (East)	West Bengal State Electricity Board	West Bengal
Trans Damodar	West Bengal Mineral Dev. & Trading. Corp. Ltd.	West Bengal

Kosar Dongergaon	Chaman Metaliks Ltd.	Maharastra
Nerad Malegaon	Gupta Metallics & Power Ltd., Gupta Coalfields & Washeries Ltd.	Maharastra
Marki Mangli-IV	Shree Veerangana Steel Limited	Maharastra
Jamkhani	Bhushan Ltd.	Odisha
Utkal-B 1	Jindal Steel & Power Ltd.	Odisha
Utkal-B 2	Monet Ispat Ltd.	Odisha
Mandakini	Monet Ispat Energy Ltd. Jindal Photo Ltd., Tata Power Company Ltd.	Odisha
Utkal-C	Utkal Coal Ltd. (formerly ICCL)	Odisha
Brinda	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
Sasai	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
Meral	Abhijeet Infrastructure Pvt. Ltd.	Jharkhand
Moitra	Jayaswal Neco Ltd.	Jharkhand
Jitpur	Jindal Steel & Power Ltd.	Jharkhand

SCHEDULE-III*[See section 3(l)(r)]*

Sl. No.	Name of Coal Mine/Block	Name of Prior Allottee	State where Coal Mine/Block Located
1	2	3	4
1	Durgapur-II/Taraimar	Bharat Alluminium Company Ltd.	Chhattisgarh
2	Durgapur-II/Sarya	DB Power Ltd.	Chhattisgarh
3	Gare Palma Sector-III	Goa Industrial Development Corporation	Chhattisgarh
4	Gare Palma IV/8	Jayaswal Neco Ltd.	Chhattisgarh
5	Talaipali	National Thermal Power Ltd.	Chhattisgarh
6	Chatti Bariatu	National Thermal Power Ltd.	Jharkhand
7	Mahan	Essar Power Ltd., Hindalco Industries Ltd.	Madhya Pradesh
8	Mandla South	Madhya Pradesh State Mining Corporation Ltd.	Madhya Pradesh
9	Dongeri Tal-II	Madhya Pradesh State Mining Corporation Ltd. (MPSMC)	Madhya Pradesh

1	2	3	4
23	Rohne	JSW Steel Ltd., Bhushan Power & Steel Ltd., Jai Balaji Industries Ltd.	Jharkhand
24	Dumri	Nilachal Iron & Power Ltd., Bajrang Ispat Pvt. Ltd.	Jharkhand
25	Kerandari	National Thermal Power Ltd.	Jharkhand
26	Sitanala	Steel Authority of India Ltd.	Jharkhand
27	Ganeshpur	Tata Steel Ltd., Adhunik Thermal Energy	Jharkhand
28	Badam	Tenughat Vidyut Nigam Limited	Jharkhand
29	Tara	Chhattisgarh Mineral Development Corporation Ltd.	Chhattisgarh
30	Lohari	Usha Martin Ltd.	Jharkhand
31	Dulanga	National Thermal Power Corporation	Odisha
32	Manoharpur	Odisha Power Generation Corporation	Odisha

SCHEDULE IV

(See section 28)

PART A

The Coal Mines (Nationalisation) Act, 1973

(26 of 1973)

Amendment of section 1A.—(1) In the Coal Mines (Nationalisation) Act, 1973 (herein referred to as the principal Act), in sub-section (1) of section 1A, after the word and figure “section 3”, the word, figure and letter “section 3A” shall be inserted.

Insertion of new section 3A.—(2) After section 3 of the principal Act, the following section shall be inserted, namely:—

‘3A. *Mining operation by company and others.*—(1) Notwithstanding anything contained in this Act, any person being—

- (a) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be, or any other company incorporated in India ; or
- (b) a company or a joint venture company formed by two or more companies,

that carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the prospecting licence or mining lease, as the case may be.

(2) The Central Government may, with a view to rationalise such coal mines so as to ensure the coordinated and scientific development and utilisation of coal resources consistent with the growing requirements of the country, from time to time, prescribe—

- (i) the coal mines or coal bearing areas and their location ;

- (ii) the minimum size of the coal mine or coal bearing areas ;
(iii) such other conditions,

which in the opinion of that Government may be necessary for the purpose of coal mining operations or mining for sale by a company.

Explanation :—For the purposes of this section, “company” means a company as defined in clause (20) of section 2 of the Companies Act, 2013 (18 of 2013).’.

Amendment of section 34.—(3) In section 34 of the principal Act, in sub-section (2) after clause (a), the following clause shall be inserted, namely:—

- “(aa) the coal mines or coal bearing areas and their location, the minimum size of the coal mine or coal bearing areas, and such other conditions which may be necessary for the purpose of coal mining operations including mining for sale by a company under sub-section (2) of section 3A.”.

PART B

The Mines and Minerals (Development and Regulation) Act, 1957

(67 of 1957)

Substitution of new section for section 11A. Granting of reconnaissance permit, prospecting licence or mining lease.—(1) In the Mines and Minerals (Development and Regulation) Act, 1957 (herein referred to as the principal Act), for section 11A, the following section shall be substituted, namely:—

- ‘11 A. (1) Notwithstanding anything contained in this Act, the Central Government may, for the purpose of granting reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite, select an-

of the following companies through auction by competitive bidding, on such terms and conditions as may be prescribed, namely :—

- (a) a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be, or any other company incorporated in India ; or
- (b) a company or a joint venture company formed by two or more companies, that carry on coal mining operations in India, in any form either for own consumption, sale or for any other purpose in accordance with the permit, prospecting licence or mining lease, as the case may be.

(2) The Central Government may, with a view to rationalise coal and lignite mines referred to in sub-section (1), so as to ensure the coordinated and scientific development and utilisation of resources consistent with the growing requirements of the country, from time to time, prescribe—

- (i) the details of mines and their location ;
- (ii) the minimum size of such mines ;
- (iii) such other conditions,

which in the opinion of that Government may be necessary for the purpose of mining operations or mining for sale by a company.

(3) The State Government shall grant such reconnaissance permit, prospecting licence or mining lease in respect of any area containing coal or lignite to such company as selected through auction by competitive bidding or otherwise under this section :

Provided that the auction by competitive bidding under this section shall not be applicable to an area containing coal or lignite—

- (a) where such area is considered for allocation to a Government company or corporation or a joint venture

company formed by such company or corporation or between the Central Government or the State Government, as the case may be;

- (b) where such area is considered for allocation to a company or corporation or that has been awarded a power project on the basis of competitive bids for tariff (including Ultra Mega Power Projects).

Explanation :—For the purposes of this section, “company” means a company as defined in clause (20) of section 2 of the Companies Act, 2013 (18 of 2013).,

Amendment of Section 13.—(2) In section 13 of the principal Act, in sub-section (2), for clause (d), the following clause shall be substituted, namely:—

- “(d) the terms and conditions of auction by competitive bidding, the details of mines and their location, the minimum size of such mines and such other conditions which may be necessary for the purpose of coal mining operations including mining for sale by a company under sub-section (1) and sub-section (2) of section 11 A.”.

PRANAB MUKHERJEE,

President.

P. K. MALHOTRA,

Secy. to the Government of India.



**THE
JAMMU AND KASHMIR GOVERNMENT GAZETTE**

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART I—B

Jammu and Kashmir Government—Notifications.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—REVENUE DEPARTMENT**

Notification

Srinagar, the 21st October, 2014.

SRO-449.—In exercise of the powers conferred by section 5 of the Land Revenue Act, Samvat 1996, the Government hereby alter the number of Sub-Divisions, Tehsils and Niabats by creating following Sub-Divisions, Tehsils and Niabats in District Udhampur :—

District	Sub-Divisions	Tehsils	Niabats
1	2	3	4
Udhampur	1. Chenani 2. Dudu 3. Ramnagar	1. Latti Marothi 2. Moungrí 3. Dudu Basantgarh (Basantgarh) 4. Panchari	1. Jaganoor 2. Dudu 3. Dharamthal 4. Ghordi 5. Kulwanta

1

2

3

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6. Lander
7. Latti
8. Moungri
9. Mansar

Consequent upon the above alteration/creation, the Government hereby defines the territorial limits of the newly created and adjoining Sub-Divisions, Tehsils and Niabats as indicated in Annexure to this notification.

By order of the Government of Jammu and Kashmir.

(Sd). VINOD KAUL, IAS,
Commr./Secretary to Government,
Revenue Department.

Annexure to Notification SRO-449 dated 21st October, 2014

Jurisdiction of Sub-Divisions in District Udhampur

S. No.	Name of the Sub-Divisions	Headquartered at	Tehsils included in the Sub-Divisions
1.	Area under the direct administrative control of Deputy (Commissioner, Udhampur (through ACR)	District HQ Udhampur	1. Udhampur (Existing) 2. Mountri (New) 3. Panchari (New) 4. Majalta (Existing)
2.	Basantgarh (New)	Basantgarh	1. Basantgarh (New)
3.	Chenani (New)	Chenani	1. Chenani (Existing)
4.	Dudu (New)	Dudu	1. Latti (New)
5.	Ramnagar (New)	Ramnagar	1. Ramnagar (Existing)

Geographical limits of the existing and new administrative units of District Udhampur

Name of Sub-Division	Name of Tehsil	Name of Niabat	Name of Patwar Halqa	Name of Villages
1	2	3	4	5
District Hq. Udhampur through ACR	1. Udhampur (Existing)	1. Udhampur (Existing)	1. Udhampur	1. Udhampur
			2. Jakhain	2. Omara
				1. Jakhain
				2. Shajalta
				3. Gangera
				4. Dallah
			3. Danori	1. Dhanori Rowarli
				2. Dhanori Parli
			4. Sambal	1. Sambal
				2. Suri
				3. Rakh Tanday
			5. Chakher	1. Chakher
				2. Chakher Sundli

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|-------------------|--|
| 6. Laddan | 1. Laddan
2. Hansoo
3. Kotlibala |
| 7. Ossu | 1. Ossu
2. Rakh Kotli |
| 8. Pakhlai | 1. Pakhlai
2. Dhar Gaddian |
| 9. Omala | 1. Omala
2. Thali
3. Chanthal
4. Cheri
5. Swail |
| 10. Sangoor | 1. Sangoor
2. Thanda Padder
3. Sial Sallan
4. Karlai Khalki |
| 11. Bishal Jattan | 1. Bishal Jattan
2. Bishal Raj Julian
3. Nawah
4. Kah
5. Mansu |

1 2

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| 12. Barrian | 1. Barrian
2. Rount
3. Shiv Nagar
4. Rakh Kathiala |
| 13. Kallar Himmti | 1. Kallar Himmiti
2. Karlai Suki
3. Kartai Kangloo
4. Dhandyal
5. Nagrota |
| 14. Jib | 1. Jib |
| 15. Rehmbal | 1. Rehmbal
2. Khatriar |
| 16. Padanoo | 1. Padanoo
2. Kalta |
| 17. Badali | 1. Badali
2. Deli Chak
3. Manpa |

- | | | |
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| 18. Sansoo | 1. Sansoo
2. Rakh Sansoo
3. Kotli Pain
4. Megain | |
| 2. Dhramthal
(New) Hq. at
Dharamthal | 1. Bali
2. Manta
3. Ladha
4. Samroli | 1. Bali (Upper)
2. Bali (Lower)
3. Ladey
1. Manta
2. Moud
3. Chattara
4. Toldi
1. Ladha
2. Dhar Ladha
1. Samroli
2. Narsoo
3. Chunti |

1	2	3	4	5
		5. Chirdi	1. Chirdi 2. Kither	
		3. Roun (Existing)	1. Roun 2. Breedian	
			2. Garnai	1. Garnai 2. Deola 3. Kothi 4. Lota
			3. Battal	1. Battal
			4. Darsoo	1. Darsoo 2. Gudhar
			5. Malhar	1. Malhar 2. Radakot 3. Kangeru 4. Chalora 5. Ladyala
			6. Ballian	1. Ballian 2. Sutain

		3. Sounthan 4. Thill 5. Lehri
7.	Rathian	1. Rathian 2. Loundana 3. Phangyal
8.	Kashirah	1. Kashirah 2. Priyan 3. Gordi 4. Channi
9.	Kawah	1. Kawah 2. Barial
4.	Jaganoo (New) HQ at Jaganoo	1. Jaganoo 2. Rakh Jaganoo 3. Ser 4. Marore
	2. Thanoa	1. Thanoa 2. Bapli lot 3. Tarmara

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| | | | 4. | Rakh Thanoa |
| | | | 5. | Bhagpur |
| | | | 6. | Kah Sadotrain |
| | | 3. | Bassan | 1. Bassan |
| | | | | 2. Kuperia |
| | | 4. | Barta | 1. Barta |
| | | | | 2. Johnu |
| | | 5. | Ritti | 1. Ritti |
| | | | | 2. Lusal |
| | | | | 3. Mandolat |
| | | 6. | Kuh | 1. Kuh |
| | | | | 2. Chat |
| | | | | 3. Kashir |
| | | | | 4. Chapper |
| | | | | 5. Dudhar |
| | | 7. | Sunai | 1. Sunai |
| | | | | 2. Karowa |
| | | 8. | Dhalphar | 1. Dhalpar |

		2. Shivnagar 3. Bubail
5. Tikri (existing)	1. Tikri 2. Mand 3. Dhanoo	1. Tikri 2. Lehnu 3. Jarmara
		1. Mand 2. Dhanoo 3. Chadai 4. Gatial
	4. Seen Thakran	1. Seen Thakran 2. Kah Phalata
	5. Seen Brahmana	1. Seen Brahmana 2. Khandrah
	6. Samundrani	1. Samundrani
	7. Barolla	1. Barolla 2. Neeli Nallah 3. Nallah Kuhlana 4. Kuper Chang

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		8. Hartarian	1. Hartarian
			2. Sunari
			3. Kembal Danga
			4. Moungrali
		9. Muttal	1. Muttal
			2. Samole
		10. Kotli Jijan	1. Kotli Jijan
			2. Patta
6. Mali (Existing)	1. Mali	1. Mali	
		2. Jadsarkote	
	2. Mansar	1. Mansar	
		2. Phangara Khalsa	
		3. Phangara Jagir	
	3. Krimchi	1. Krimchi	
		2. Sacrap	

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|----------------------|---|
| 4. Tirshi | 1. Trishi
2. Gandala
3. Himbra |
| 5. Debriah | 1. Debriah
2. Rakh Neera Naal |
| 6. Chak
Rakhwalan | 1. Chak Rakhwalan
2. Shitrambal
3. Soakar
4. Salmari |
| 7. Sial Jattan | 1. Sial Jattan
2. Lansi
3. Baili
4. Jar
5. Kandal |
| 8. Mangiote | 1. Mangiote
2. Ferna
3. Takoli |
| 9. Tope | 1. Tope
2. Mela
3. Bhatla |

1	2	3	4	5
	2. Mounetri (New) Hq. at Mounetri	1. Mounetri (New) Hq. at Mounetri	1. Ladda 2. Panjar 3. Radhnote 4. Mongri 5. Lalli 6. Basnote	1. Ladda 2. Kothari 1. Panjar 2. Dubkabag 1. Radhnote 2. Thata Kote 3. Thingi Dhar 4. Prund 1. Mongri 2. Laddal Mounetri 3. Kalsote 1. Lalli 2. Dhamnote 1. Basnote 2. Nali Nikka 3. Dubi Gali

3. Panchari (New) Hq.at Panchari	1. Panchari (Existing)	1. Meer	1. Meer
		2. Pathi	1. Pathi 2. Narrore
		3. Chulna	1. Chulna 2. Bharai
	4. Kutliar Bala		1. Kutliar Bala 2. Kutliar Pain 3. Purwal
2. Lander (New) Hq. at Lander	1. Lander		1. Brinda Lander 2. Majra Raslian 3. Kansal
	2. Latyar		1. Latyar 2. Uchh Suba 3. Uchh Niala
	3. Katti		1. Katti

1

2

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5

**4. Majalta
(Existing)**

**1. Deot
(Existing)**

4. Dhandhota

5. Badhota

6. Kotla

7. Sadhota

1. Bharnara

2. Sehal

3. Thial

**1. Dhandhota
2. Malti**

1. Badhota

**1. Kotla
2. Diggi
3. Purani Bhuti**

**1. Sadhota
2. Galiote**

**1. Bharnara
2. Neeli
3. Shah Pur**

**1. Sehal
2. Kehal
3. Hardolian**

**1. Thial
2. Sunal
3. Bilaspur
4. Deot**

4. Palnoo	1. Palnoo 2. Pathwar 3. Jakhenoo
5. Amara	1. Amara 2. Omwara 3. Nakki 4. Sundla
6. Ghar Samna Banj	1. Ghar Samna Banj 2. Chohar 3. Mottu 4. Babey
2. Mansar (New) HQ at Mansar	1. Chani Mansar 2. Battal
	1. Bhupnair Garh 2. Bhatti Bari Garh 3. Channi Mansar 4. Battal 2. Kakrai 3. Srail Chuha 4. Baryalta

1	2	3	4	5
		3. Majalta (Existing)	1. Majalta 2. Thalora	1. Majalta 2. Satrai 1. Thalora 2. Chiani 3. Nagrota Tajoor
			3. Peoni	1. Peoni 2. Tajoor 3. Kathil Dhangu
			4. Jansal	1. Jansal 2. Jagwal 3. Plater
			5. Dhamma	1. Haripur 2. Dhamma 3. Garh Pamasta 4. Lalla
2. Ramnagar (New) Hq. at Ramnagar	1. Ramnagar (Existing)	1. Ramnagar (Existing)	1. Ramnagar	1. Ramnagar 2. Marta 3. Thaplal 4. Jandrari

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|--------------|--|
| 2. Kirmoo | 1. Kirmoo
2. Kheen
3. Sunetar |
| 3. Sattian | 1. Sattian
2. Tagan
3. Prey
4. Sullan
5. Katwalt
6. Kella |
| 4. Kahgote | 1. Kahgote
2. Dehari |
| 5. Kogarmarh | 1. Kogarmarh
2. Pinger
3. Bainsta
4. Thelay |
| 6. Dhanwalt | 1. Dhanwalt
2. Konain
3. Farole
4. Bheala
5. Rang
6. Udhak
7. Baland |

1	2	3	4	5
		2. Dalsar (Existing)	1. Dalsar	1. Dalsar 2. Badhole 3. Kanah 4. Surni 5. Birnoo 6. Seunti
			2. Chanunta	1. Chanunta 2. Panj Garain 3. Bhugtrian 4. Ser Manjla
			3. Bhatyari	1. Bhatyari 2. Kathil Ganju 3. Romain 4. Palarn
		3. Ghordi (New) Hq. at Ghordi	1. Ghordi	1. Ghordi Khas 2. Nagrota Ghordi 3. Ser Bala 4. Bindla

2. Nallah Ghouran	1. Nallah Ghouran 2. Jagir Ghordi
3. Jandrore	1. Jandrore 2. Nallah Mallian 3. Ressain
4. Barneen	1. Barneen 2. Satyalta
5. Hartaryan	1. Hartaryan 2. Sughlar 3. Prowa Jagir
6. Dhandhal	1. Dhandhal 2. Sarsoo 3. Mahni 4. Lahar
4. Kulwanta (new) HQ at Kulwanta	1. Amroh 1. Amroh 2. Incha 3. Bari 4. Ladana 5. Keya

1	2	3	4	5
			2. Joffer	1. Joffar 2. Blota Chigla 3. Lehad 4. Dheeran 5. Baryalta Samna Banj
2. Basantgarh (Exisiting)	1. Basantgarh (new HQ at Basantgarh)	1. Basantgarh (exisiting)	1. Basantgarh	1. Basantgarh 2. Balota Upperla 3. Loudhra
			2. Mang	1. Mang 2. Poonara 3. Kadhwah 4. Khaneed 5. Plaie 6. Rai Chak 7. Sia Mery

			3.	Rasli Gadheran	1. Rasli Gadheran 2. Rasli Thakrai 3. Arthal 4. Chakal 5. Chhatrari
3.	Dudu (New) Hq. at Dudu	1. Latti (New) Hq. at Latti	1. Dudu (New) Hq. at Dudu	1. Dudu 2. Pachound	1. Dudu 2. Jakhed 1. Pachound 2. Padder 3. Dhar Seoj
			2. Latt (New) Hq. at Latti	1. Latti 2. Sira	1. Latti 2. Chapper 1. Sira 2. Pattan Garh 3. Marothi
4.	Chenani (New) Hq. at Chenani	1. Chenani (Existing)	1. Sudhmahadev (Existing)	1. Sudhmahadev	1. Sudhmahadev 2. Bachal 3. Bain 4. Katwalt 5. Kharwa 6. Ghumarli 7. Mantalai 8. Haridwar

1

2

3

4

5

2. Bupp

1. Bupp
2. Kohsar
3. Sarar Karpalt
4. Gashand
5. Jig

3. Gharian

1. Gharian Kallan
2. Gharian Khurd
3. Kulassar
4. Matlowa

4. Nagulta

1. Nagulta
2. Tandar

2. Chenani
(Existing)

1. Chenani

1. Chenani
2. Ghantwal
3. Khurd
4. Champari

5. Battna
6. Ancha
7. Marghana
8. Mandir Dushala
9. Baishty

2. Satyalta 1. Satyalta
 2. Charat
 3. Bant
 4. Kheri
 5. Sewna

3. Karlah 1. Karlah
 2. Bashat
 3. Challyar
 4. Dhar Shivghar

4. Kud 1. Kud
 2. Pachote
 3. Mandlote
 4. Sangjote

1

2

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4

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5. Khatryar

5. Mada

1. Mada

2. Kither Jagir

*Village Channi Mansar included in Niabat Chhani Mansar of District Udhampur after excluding the same from Niabat Nud of District Samba.

(Sd.) SHALINI RAINA,

Under Secretary to Government,
Revenue Department.



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT—LAW DEPARTMENT**

Jammu, the 20th March, 2009.

The following Act as passed by the Jammu and Kashmir State Legislature received the assent of the Governor on 20th March, 2009 and is hereby published for general information :—

THE CIVIL LAWS (AMENDMENT) ACT, 2009.

(Act No. VI of 2009)

[20th March, 2009].

An Act to amend the Code of Civil Procedure, Samvat 1977 and the Limitation Act, Samvat 1995.

Be it enacted by the Jammu and Kashmir State Legislature in the Sixtieth Year of the Republic of India as follows :—

CHAPTER I

Preliminary

1. *Short title and commencement.* (1) This Act may be called the Civil Laws (Amendment) Act, 2009.

(2) It shall come into force on the date of its publication in the Government Gazette.

CHAPTER II

Amendment of sections of the Code of Civil Procedure, Samvat 1977.

2. *Amendment of section 26.*—In the Code of Civil Procedure, Samvat 1977 (hereinafter referred to as 'the principal Act'), existing section 26 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely :—

"(2) In every plaint, facts shall be proved by affidavit.".

3. *Amendment of section 27.*—In section 27 of the principal Act, the following words shall be inserted at the end, namely :—

"on such day not beyond thirty days from date of the institution of the suit.".

4. *Amendment of section 32.*—In section 32 of the principal Act, in clause (c), for the words "five hundred rupees", the words "five thousand rupees" shall be substituted.

5. *Amendment of section 58.*— In section 58 of the principal Act,—

(i) in sub-section (1)—

(a) in clause (a), for the words "one thousand rupees", the words "five thousand rupees" shall be substituted ;

(b) for clause (b), the following clause shall be substituted, namely :—

“(b) where the decree is for the payment of a sum of money exceeding two thousand rupees, but not exceeding five thousand rupees, for a period not exceeding six weeks.”;

(ii) in sub-section (1A), for the words “five hundred rupees”, the words “two thousand rupees” shall be substituted.

6. *Amendment of section 60.*— In section 60 of the principal Act,—

(i) in sub-section (1) —

(a) in the first proviso, for clause (i), excepting the proviso thereto, the following clause shall be substituted, namely :—

“(i) salary to the extent of the first one thousand rupees and two-thirds of the remainder in execution of any decree other than a decree for maintenance ;”;

(b) after clause (i), the following clause shall be inserted, namely :—

“(ia) one-third of the salary in execution of any decree for maintenance ;”;

(c) clause (q) shall be omitted ;

(ii) for sub-section (2), the following sub-section shall be substituted, namely :—

“(2) Nothing in this section shall be deemed to exempt houses and other buildings (with the materials and the sites thereof and the lands immediately appurtenant thereto and necessary for their enjoyment) from attachment or sale in

7. *Insertion of new section 89.*— In the principal Act, after section 88, the following section shall be inserted, namely :—

“89. Settlement of disputes outside the Court.—

(1) Where it appears to the court that there exist elements of a settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the court may reformulate the terms of a possible settlement and refer the same for—

- (a) arbitration ;
- (b) conciliation ;
- (c) judicial settlement including settlement through Lok Adalat : or
- (d) mediation.

(2) Where a dispute has been referred—

- (a) for arbitration or conciliation, the provisions of the Jammu and Kashmir Arbitration and Conciliation Act, 1997 shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act ;
- (b) to Lok Adalat, the court shall refer the same to the Lok Adalat in accordance with the provisions of sub-section (1) of section 19 of the Jammu and Kashmir Legal Services Authority Act, 1997 and all other provisions of that Act shall apply in respect of the dispute so referred to the Lok Adalat ;
- (c) for judicial settlement, the court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Jammu and Kashmir Legal Services Authority Act, 1997 shall apply as if the dispute were referred to a Lok Adalat under the provisions of that Act ;
- (d) for mediation, the court shall effect a compromise between

(3) Notwithstanding anything contained in the Court Fees Act, Samvat 1977, where the court refers the parties to the suit to any one of the mode of settlement of dispute in this section, the plaintiff shall be entitled to a certificate from the court authorizing him to receive back from the collector, the full amount of the fee paid in respect of such plaint.”.

8. *Amendment of section 95.*—In section 95 of the principal Act, in sub-section (1), in clause (b), for the words “one thousand rupees”, the words “fifty thousand rupees” shall be substituted.

9. *Amendment of section 96.*—In section 96 of the principal Act, in sub-section (4), for the words “three thousand rupees”, the words “ten thousand rupees” shall be substituted.

10. *Substitution of section 100A.*—For section 100A of the principal Act, the following section shall be substituted, namely :—

“100A. **No further appeal in certain cases.**—Notwithstanding anything contained in any Letters Patent of the High Court or in any instrument having the force of law or in any other law for the time being in force in the State, where any appeal from an original or appellate decree or order is heard and decided by a Single Judge of a High Court, no further appeal shall be from the judgement and decree of such Single Judge.”.

11. *Substitution of section 102.*—For section 102 of the principal Act, the following section shall be substituted, namely :—

“102. **No second appeal in certain cases.**—No second appeal shall lie from any decree, when the subject matter of the original suit is recovery of money not exceeding twenty-five thousand rupees.”.

12. *Amendment of section 115.*—In section 115 of the principal Act, in sub-section (1),—

(i) for proviso, the following proviso shall be substituted, namely :—

issue, in the course of a suit or other proceeding, except where the order, if it had been made in favour of the party applying for revision would have finally disposed of the suit or other proceedings.”.

- (ii) after sub-section (2), but before the Explanation, the following sub-section shall be inserted, namely :—

“(3) A revision shall not operate as a stay of suit or other proceeding before the Court except where such suit or other proceeding is stayed by the High Court.”.

13. *Amendment of section 148.*—In section 148 of the principal Act, after the words “such period”, the words “not exceeding thirty days in total”, shall be inserted.

CHAPTER III

Amendment of Orders

14. *Amendment of Order IV.*—In the First Schedule to the principal Act (hereinafter referred to as the First Schedule), in Order IV, in rule 1,—

- (i) in sub-rule (1), for the words “plaint to the Court”, the words “plaint in duplicate to the Court” shall be substituted ;
- (ii) after sub-rule (2), the following sub-rule shall be inserted, namely :—

“(3) The plaint shall not be deemed to be duly instituted unless it complies with the requirements specified in sub-rules (1) and (2).”.

15. *Amendment of Order V.*—In the First Schedule, in Order V,—

- (i) in rule 1, for sub-rule (1), the following shall be substituted, namely :—

claim and to file the written statement of his defence, if any, within thirty days from the date of service of summons on that defendant of the suit as may be specified therein :

Provided that no such summons shall be issued when a defendant has appeared at the presentation of the plaint and admitted the plaintiff's claim :

Provided further that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day which shall not be later than ninety days from the date of service of summons.";

(ii) for rule 2, the following shall be substituted, namely :—

"2. **Copy of plaint annexed to summons.**—Every summon shall be accompanied by a copy of the plaint.";

(iii) in rule 6, for the words "for the appearance of the defendant", the words, brackets and figures "under sub-rule (1) of rule 1" shall be substituted :

(iv) in rule 7, for the words "all documents", the words, figure and letter "all documents or copies thereof specified in rule 1A of Order VIII" shall be substituted :

(v) for rule 9, the following rules shall be substituted, namely :—

"9. Delivery of summons by Court.—(1) Where the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within the jurisdiction who is empowered to accept the service of the summons, the summons shall, unless the Court otherwise directs, be delivered or sent either to the proper officer to be served by him or one of his subordinate or to such courier services as are approved by the Court.

(2) The proper officer may be an officer of a Court other than that in which the suit is instituted and where

he is such an officer, the summons may be sent to him in such manner as the Court may direct.

(3) The services of summons may be made by delivering or transmitting a copy thereof by registered post acknowledgement due, addressed to the defendant or his agent empowered to accept the service or by speed post or by such courier services as are approved by the High Court or by the Court referred to in sub-rule (1) or by any other means of transmission of documents (including fax message or electronic mail service) provided by the rules made by the High Court :

Provided that the service of summons under this sub-rule shall be made at the expenses of the plaintiff.

(4) Notwithstanding anything contained in sub-rule (1), where a defendant resides outside the jurisdiction of the Court in which the suit is instituted, and the Court direct that the service of summons on that defendant may be made by such mode of service of summons as is referred to in sub-rule (3) (except by registered post acknowledgement due), the provisions of rule 21 shall not apply.

(5) When an acknowledgement or any other receipt purporting to be signed by the defendant or his agent is received by the Court or postal article containing the summons is received back by the Court with an endorsement purporting to have been made by a postal employee or by any person authorized by the courier service to the effect that the defendant or his agent had refused to take delivery of the postal article containing the summons or has refused to accept the summons by any other means specified in sub-rule (3) when tendered or transmitted to him, the Court issuing the summons shall declare that the summons had been only served on the defendant :

Provided that where the summons was properly addressed, prepaid and duly sent by registered post acknowledgement due, the declaration referred to in this sub-rule shall be made

notwithstanding the fact that the acknowledgment having been lost or mislaid, or for any other reason has not been received by the Court within thirty days from the date of issue of summons.

(6) The High Court or the District Judge, as the case may be, shall prepare a panel of courier agencies for the purposes of sub-rule (1).

9A. Summons given to the plaintiff for service.—(1)
The Court may, in addition to the service of summons under rule 9, on the application of the plaintiff for the issue of a summons for the appearance of the defendant permit such plaintiff to effect service of such summons on such defendant and shall, in such a case, deliver the summons to such plaintiff for service.

(2) The service of such summons shall be effected by or on behalf of such plaintiff by delivering or tendering to the defendant personally a copy thereof signed by the Judge or such officer of the Court as he may appoint in this behalf and sealed with the seal of the Court or by such mode of service as is referred to in sub-rule (3) of rule 9.

(3) The provisions of rules 16 and 18 shall apply to a summons personally served under this rule as if the person effecting service were a serving officer.

(4) If such summons, when tendered, is refused or if the person served refuses to sign an acknowledgment of service or for any reason such summons cannot be served personally, the Court shall, on the application of the party, re-issue such summons to be served by the Court in the same manner as a summons to a defendant.”.

(vi) Rule 19A shall be omitted.

(vii) in rule 21, for the words “or by post”, the words “or by post or by such courier service as may be approved by the High Court, by fax message or by Electronic Mail service or by any other means as may be provided by the rules

- (viii) in rule 24, for the words "by post or otherwise", the words "by post or by such courier service as may be approved by the High Court, by fax message or by Electronic Mail service or by any other means as may be provided by the rules made by the High Court" shall be substituted ;
- (ix) in rule 25, for the words "by post", the words "by post or by such courier service as may be approved by the High Court, by fax message or by Electronic Mail service or by any other means as may be provided by the rules made by the High Court" shall be substituted.".

16. Amendment of Order VI.—In the First Schedule, in Order VI.—

- (i) rule 5 shall be omitted ;
- (ii) in rule 15, after sub-rule (3), the following sub-rule shall be inserted, namely :—

“(4) The person verifying the pleading shall also furnish an affidavit in support of his pleadings.”;
- (iii) for rules 17 and 18, the following rules shall be substituted, namely :—

“17. Amendment of pleadings.—The Court may at any stage of the proceedings allow either party to alter or amend his pleadings in such manner and on such terms as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real questions in controversy between the parties :

Provided that no application for amendment shall be allowed after the trial has commenced, unless the Court comes to the conclusion that in spite of due diligence, the party could not have raised the matter before the commencement of trial.

18. Failure to amend after Order.—If a party who has obtained an order for leave to amend does not amend accordingly within the time limited for that purpose by the order, or if no time is thereby limited then within fourteen days from the date of the

order, he shall not be permitted to amend after the expiration of such limited time as aforesaid or of such fourteen days, as the case may be, unless the time is extended by the Court.”.

17. *Amendment of Order VII.*—In the First Schedule, in Order VII,—

- (i) for rule 9, the following rule shall be substituted, namely :—

“9. **Procedure on admitting plaint.**—Where the Court orders that the summons be served on the defendants in the manner provided in rule 9 of Order V, it will direct the plaintiff to present as many copies of the plaint on plain paper as there are defendant within seven days from the date of such order along with requisite fee for service of summons on the defendants.”;

- (ii) in rule 11, after sub-clause (d), the following sub-clauses shall be inserted, namely :—

“(e) where it is not filed in duplicate ;

(f) where the plaintiff fails to comply with the provisions of rule 9 ;”;

- (iii) for rule 14, the following rule shall be substituted, namely :—

“14. **Production of document on which plaintiff sues or relies.**—(1) Where a plaintiff sues upon a document or relies upon document in his possession or power in support of his claim, he shall enter such documents in a list, and shall produce it in court when the plaint is presented by him and shall, at the same time deliver the document and a copy thereof, to be filed with the plaint.

(2) Where any such document is not in the possession or power of the plaintiff, he shall, wherever possible, state in whose possession or power it is.

(3) A document which ought to be produced in Court by the plaintiff when the plaint is presented or to be entered in the list to be added or annexed to the plaint but is not produced or entered accordingly, shall not, without the leave of the Court, be received

(4) Nothing in this rule shall apply to document produced for the cross-examination of the plaintiff's witnesses, or, handed over to a witness merely to refresh his memory.”;

(iv) rule 18 shall be omitted.

18. *Amendment of Order VIII.*—In the First Schedule, in Order VIII,—

(i) for rule 1, the following rules shall be substituted, namely :—

“1. **Written statement**.—The defendant shall within thirty days from the date of service of summons on him present a written statement of his defence :

Provided that where the defendant fails to file the written statement within the said period of thirty days, he shall be allowed to file the same on such other day, as may be specified by the Court, for reasons to be recorded in writing, but which shall not be later than ninety days from the date of service of summons.

1-A. **Duty of defendant to produce document upon which relief is claimed or relied upon by him.**—(1) Where the defendant bases his defence upon a document or relies upon any document in his possession or power, in support of his defence or claim for set off or counter claim, he shall enter such document in a list, and shall produce it in court when the written statement is presented by him and shall, at the same time, deliver the document and a copy thereof, to be filed with the written statement.

(2) Where any such document is not in the possession or power of the defendant, he shall, wherever possible, state in whose possession or power it is.

(3) A document which ought to be produced in Court by the defendant under this rule, but, is not so produced shall not, without the leave of the Court, be received in evidence on his behalf at the hearing of the suit.

(4) Nothing in this rule shall apply to document—

(a) produced for the cross-examination of the plaintiff's witnesses ; or

- (b) handed over to a witness thereby to refresh the memory.”;
- (ii) rule 8A shall be omitted ;
- (iii) for rules 9 and 10, the following rules shall be substituted, namely :-

“9. Subsequent pleadings.—No pleading subsequent to the written statement of a defendant other than by way of defence to set off or counter-claim shall be presented except by the leave of the Court and upon such terms as the Court thinks fit ; but the Court may at any time require a written statement or additional written statement from any of the parties and fix a time of not more than thirty days for presenting the same.

10. Procedure when party fails to present written statement called for by court.—Where any party from whom a written statement is required under rule 1 or rule 9 fails to present the same within the time permitted or fixed by the Court, as the case may be, the Court shall pronounce judgment against him, or make such order in relation to the suit as it thinks fit and on the pronouncement of such judgment a decree shall be drawn up.”.

19. Amendment of Order IX.--In the First Schedule, in Order IX.—

- (i) for rule 2, the following rule shall be substituted, namely :—

“2. Dismissal of suit where summons not served in consequences of plaintiff’s failure to pay cost.—Where on the day so fixed it is found that the summons has not been served upon the defendant in consequence of the failure of the plaintiff to pay the court fee or postal charges, if any, chargeable for such service, or failure to present copies of the plaint as required by rule 9 of Order VII, the Court may make an order that the suit be dismissed :

Provided that no such order shall be made if, notwithstanding

he is allowed to appear by agent on the day fixed for him to appear and answer.”;

- (ii) in rule 5, for the words “three months” and “one month” appearing in the sectional heading and sub-rule (1) respectively, the words “seven days” shall be substituted.

20. *Amendment of Order X.*— In the First Schedule, in Order X,—

- (i) after rule 1, the following rules shall be inserted, namely :—

1A. Direction of the court to opt for any one mode of alternative dispute resolution.—After recording the admissions and denials, the court shall direct the parties to the suit to opt either mode of the settlement outside the court as specified in sub-section (1) of section 89. On the option of the parties, the court shall fix the date of appearance before such forum or authority as may be opted by the parties.

1B. Appearance before the conciliatory forum or authority. Where a suit is referred under rule 1A, the parties shall appear before such forum or authority for conciliation of the suit.

1C. Appearance before the court consequent to the failure of efforts of conciliation.—Where a suit is referred under rule 1A and the Presiding Officer of conciliation forum or authority is satisfied that it would not be proper in the interest of justice to proceed with the matter further, then, it shall refer the matter again to the court and direct the parties to appear before the court on the date fixed by it.”;

- (ii) in rule 4, in sub-rule (1), for the words “may postpone the hearing of the suit to a future day”, the words “may postpone the hearing of the suit to a day not later than seven days from the date of first hearing” shall be substituted.

21. *Amendment of Order XI.*— In the First Schedule, in Order XI,—

- (i) in rule 2, after the words “submitted to the court”, the words “and that court shall, decide within seven days from the day of filing of the said application”, shall be inserted ;
- (ii) in rule 15, for the words “at any time”, the words “at or before

22. *Amendment of Order XII.*—In the First Schedule, in Order XII,—

- (i) in rule 2, for the word “fifteen”, the word “seven” shall be substituted ;
- (ii) in rule 4, second proviso shall be omitted.

23. *Amendment of Order XIII.*—In the First Schedule, in Order XIII, for rules 1 and 2, the following rule shall be substituted, namely :—

“1. Original documents to be produced at or before the settlement of issues.—(1) The parties or their pleader shall produce on or before the settlement of issues, all the documentary evidence in original where the copies thereof have been filed along with plaint or written statement.

(2) The court shall receive the documents so produced :

Provided that they are accompanied by an accurate list thereof prepared in such form as the High Court directs.

(3) Nothing in sub-rule (1) shall apply to documents—

- (a) produced for the cross-examination of the witnesses of the other party ; or
- (b) handed over to a witness merely to refresh his memory.”.

24. *Amendment of Order XIV.*—In the First Schedule, in Order XIV,—

- (i) in rule 4, for the words “may adjourn the framing of the issues to a future day”, the words “may adjourn the framing of issues to a day not later than seven days” shall be substituted ;
- (ii) for rule 5, the following rule shall be substituted, namely :—

“5. Power to amend, and strike out, issues.—(1) The court may at any time before passing a decree amend the issues or frame additional issues on such terms as it thinks fit, and all such amendments or additional issues as may be necessary for determining the matters in controversy between the parties shall

(2) The court may also, at any time before passing a decree, strike out any issues that appear to it to be wrongly framed or introduced.”.

25. *Amendment of Order XVI.*—In the First Schedule, in Order XVI,.—

- (i) in rule 1, in sub-rule (4), for the words “court in this behalf”, occurring at the end, the words, brackets and figure “court in this behalf within five days of presenting the list of witnesses under sub-rule (1)” shall be substituted :
- (ii) in rule 2, in sub-rule (1), after the words “within a period to be fixed”, the words, brackets and figures “which shall not be later than seven days from the date of making application under sub-rule (4) of rule 1” shall be inserted.

26. *Amendment of Order XVII.*—In the First Schedule, in Order XVII, in rule 1,—

- (i) for sub-rule (1), the following shall be substituted, namely :—

“(1) The court may, if sufficient cause is shown, at any stage of the suit grant time to the parties or to any of them, and may from time to time adjourn the hearing of the suit for reasons to be recorded in writing :

Provided that no such adjournment shall be granted more than three times to a party during hearing of the suit.”;

- (ii) in sub-rule (2), for the words “may make such order as it thinks fit with respect to the costs occasioned by the adjournment”, the words “shall make such orders as to costs occasioned by the adjournment or such higher costs as the court deems fit” shall be substituted.

27. *Amendment of Order XVIII.*—In the First Schedule, in Order XVIII,—

- (i) in rule 2 for sub-rule (4), the following sub-rules shall be substituted, namely :—

“(4) Any party may address oral arguments in a case, and

the Court so permits concisely and under distinct headings written arguments in support of his case to the Court and such written arguments shall form part of the record.

(5) A copy of such written arguments shall be simultaneously furnished to the opposite party.

(6) No adjournment shall be granted for purpose of filing the written arguments unless the Court, for reasons to be recorded in writing, considers it necessary to grant such adjournment.

(7) The Court shall fix such time limits for the oral arguments by either of the parties in a case, as it thinks fit.”;

(ii) for rule 4, the following rule shall be substituted ; namely :—

“4. Recording of evidence.—(1) In every case, the examination-in-chief of a witness shall be on affidavit and copies thereof shall be supplied to the opposite party by the party who calls him for evidence :

Provided that where documents are filed and the parties rely upon the documents, the proof and admissibility of such documents which are filed along with affidavit shall be subject to the orders of the Court.

(2) The evidence (cross-examination and re-examination) of the witness in attendance, whose evidence (examination-in-chief) by affidavit has been furnished to the Court, shall be taken either by the Court or by the Commissioner appointed by it :

Provided that the Court may, while appointing a Commission under this sub-rule, consider taking into account such relevant factors as it thinks fit.

(3) The Court or the Commissioner, as the case may be, shall record evidence either in writing or mechanically in the presence of the Judge or of the Commissioner, as the case may be, and where such evidence is recorded by the Commissioner he shall return such evidence together with his report in writing signed by him to the Court appointing him and the evidence taken under it shall form part of the record of the suit.

(4) The Commissioner may record such remarks as he thinks material respecting the demeanour of any witness while under examination:

Provided that any objection raised during the recording of evidence before the Commissioner shall be recorded by him and decided by the court at the stage of arguments.

(5) The report of the Commissioner shall be submitted to the Court appointing the Commission within sixty days from the date of issue of the commission unless the Court for reasons to be recorded in writing extends the time.

(6) The High Court or the District Judge, as the case may be, shall prepare a panel of Commissioners to record the evidence under this rule.

(7) The Court may by general or special order fix the amount to be paid as remuneration for the services of the Commissioner.

(8) The provisions of rules 16, 16A, 17 and 18 of Order XXVI, in so far as they are applicable, shall apply to the issue, execution and return of such commission under this rule.”;

(iii) rule 17A shall be omitted;

(iv) after rule 18, the following rule shall be inserted, namely :—

“19. Power to get statement recorded on commission.— Notwithstanding anything contained in these rules, the court may, instead of examining witnesses in open court, direct their statements to be recorded on commission under rule 4A of Order XXVI.”.

28. *Amendment of Order XX.*—In the First Schedule, in Order XX.—

(i) in rule 1—

(a) for sub-rule (1), the following sub-rule shall be substituted, namely :—

“(1) The Court, after the case has been heard, shall

soon thereafter as may be practicable and when the judgment is to be pronounced on some future day, the Court shall fix a day for that purpose of which due notice shall be given to the parties or their pleaders :

Provided that where the judgement is not pronounced at once, every endeavour shall be made by the Court to pronounce the judgment within thirty days from the date on which the hearing of the case was concluded but, where it is not practicable so to do on the ground of the exceptional and extraordinary circumstances of the case, the Court shall fix a future day for the pronouncement of the judgment, and such day shall not ordinarily be a day beyond sixty days from the date on which the hearing of the case was concluded, and due notice of the day so fixed shall be given to the parties or their pleaders.”;

(b) In sub-rule (2), the words “but a copy of the whole judgment shall be made available for the perusal of the parties or the pleaders immediately after the judgement is pronounced” shall be omitted.

(ii) for rules 6A and 6B, the following rules shall be substituted, namely :—

“6A. Preparation of decree.—(1) Every endeavour shall be made to ensure that the decree is drawn up as expeditiously as possible and, in any case, within fifteen days from the date on which the judgement is pronounced.

(2) An appeal may be preferred against the decree without filing a copy of the decree and in such a case the copy made available to the party by the Court shall for the purposes of rule 1 of Order XLI be treated as the decree. But as soon as the decree is drawn, the judgement shall cease to have the effect of a decree for the purposes of execution or for any other purpose.

6B. Copies of judgements when to be made available.— Where the judgement is pronounced, copies of the judgement shall be made available to the parties immediately after the pronouncement

as may be specified in the rule made by the High Court.”.

29. *Amendment of Order XXI.*—In the First Schedule, in Order XXI,—

(a) in rule 32, in sub-rule (5), the following explanation shall be inserted, namely :—

“*Explanation* :—For the removal of doubts, it is hereby declared that the expression “the act required to be done” covers prohibitory as well as mandatory injunctions.”;

(b) in rule 92, in sub-rule (2),—

(i) for the words “thirty days”, the words “sixty days” shall be substituted ;

(ii) after the first proviso, the following proviso shall be inserted, namely :—

“Provided further that the deposit under this sub-rule may be made within sixty days in all such cases where the period of thirty days, within which the deposit had to be made, has not expired before the commencement of the Civil Laws (Amendment) Act, 2009.”.

30. *Amendment of Order XXVI.*— In the First Schedule, in Order XXVI, after rule 4, the following rule shall be inserted, namely :—

“4A. Commission for examination of any person resident within the local limits of the jurisdiction of the court.— Notwithstanding anything contained in these rules, any court may, in the interest of justice or for the expeditious disposal of the case or for any other reasons, issue commission in any suit for the examination, on interrogatories or otherwise, of any person resident within the local limits of its jurisdiction, and the evidence so recorded shall be read in evidence.”.

31. *Amendment of Order XLI.*—In the First Schedule, in Order XLI,—

(i) in sub-rule (1) of rule 1, the words and brackets “decree appealed

judgement on which it is founded", the word "judgement" shall be substituted :

(ii) for rule 9, the following rule shall be substituted, namely :—

"9. **Registry of memorandum of appeal.**—(1) The Court from whose decree an appeal lies shall entertain the memorandum of appeal and shall endorse thereon the date of presentation and shall register the appeal in a book of appeal kept for that purpose.

(2) Such book shall be called the register of appeal." ;

(iii) in rule 11, for sub-rule (1), the following sub-rule shall be substituted, namely :—

"(1) The Appellate Court after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day may dismiss the appeal." ;

(iv) in rule 12, for sub-rule (2), the following sub-rule shall be substituted, namely :—

"(2) Such day shall be fixed with reference to the current business of the court." ;

(v) rules 13, 15 and 18 shall be omitted :

(vi) in rule 19, the words and figures "or rule 18" shall be omitted ;

(vii) in rule 22, sub-rule (3) shall be omitted.

CHAPTER IV

Repeat and Savings

32. Repeal and savings.—(1) Any provision inserted in the principal Act by the High Court before the commencement of this Act shall, except in so far as such provision is consistent with the provisions of the principal Act as amended by this Act, stand repealed.

(2) Notwithstanding that the provisions of this Act have come into force or repeal under sub-section (1) has taken effect, and without prejudice to the generality of the provisions of section 6 of the General Clauses Act,

- (a) the provisions of section 26 of the principal Act and of Order IV of the First Schedule, as amended by sections 2 and 14 of this Act, shall not apply to or affect any suit pending immediately before the commencement of sections 2 and 14, and every such suit shall be tried as if sections 2 and 14 had not come into force ;
- (b) the provisions of section 27 of the principal Act, as amended by section 3 of this Act, shall not apply to or affect any suit pending immediately before the commencement of section 3 and every such suit shall be tried as if section 3 had not come into force ;
- (c) the provisions of section 58 of the principal Act, as amended by section 5 of this Act, shall not apply to or affect any person detained in the civil prison in execution of a decree before the commencement of section 5 ;
- (d) the provisions of section 60 of the principal Act, as amended by section 6 of this Act, shall not exempt salary from attachment to the extent mentioned in clause (i) of the first proviso to sub-section (1) of section 60 before the commencement of section 6 ;
- (e) section 89 and rules 1A, 1B and 1C of Order X of the First Schedule, as inserted in the principal Act by sections 7 and 20 of this Act, shall not affect any suit in which issues have been settled before the commencement of section 7, and every such suit shall be dealt with as if sections 7 and 20 had not come into force ;
- (f) the provisions of section 96 of the principal Act, as amended by section 9 of this Act, shall not apply to or affect any appeal from original decree which had been admitted before the commencement of section 9, and every admitted appeal shall be dealt with as if section 9 had not come into force ;
- (g) the provisions of section 102 of the principal Act, as substituted by section 11 of this Act, shall not apply to or affect any appeal which had been admitted before the commencement of section 11, and every admitted appeal shall be dealt with as if section 11 had not come into force ;

- 11, and every such appeal shall be disposed of as if section 5 had not come into force ;
- (h) the provision of section 115 of the principal Act, as amended by section 12 of this Act, shall not apply to or affect any proceeding for revision which had been finally disposed of ;
- (i) the provisions of rules 5, 15, 17 and 18 of Order VI of the First Schedule as omitted or, as the case may be, inserted or substituted by section 16 of this Act shall not apply to in respect of any pleading filed before the commencement of section 16 ;
- (j) the provisions of rules 9, 11, 14 and 18 of Order VII of the First Schedule, as amended or, as the case may be, substituted or omitted by section 17 of this Act, shall not apply to in respect of any proceedings pending before the commencement of section 17 ;
- (k) the provisions of rules 1, 1A, 8, 9 and 10 of Order VIII of the First Schedule, as substituted or inserted by section 18 of this Act, shall not apply to a written statement filed and presented before the court immediately before the commencement of section 18 ;
- (l) the provisions of rules 2 and 5 of Order IX of the First Schedule, as amended by section 19 of the Act, shall not apply in respect of summons issued before the commencement of section 19 ;
- (m) the provisions of rules 2 and 15 of Order XI of the First Schedule, as amended by section 21 of this Act, shall not apply to or affect any order passed by the court or any application submitted for inspection to the court before the commencement of section 21 of this Act ;
- (n) the provisions of rules 2 and 4 of Order XII of the First Schedule, as amended or omitted, as the case may be, by section 22 of this Act, shall not affect any notice given by the party or any order made by the court before the commencement of section 22 of this Act ;

- (o) the provisions of rules 1 and 2 of Order XIII of the First Schedule, as substituted by section 23 of this Act, shall not affect the documents produced by the parties or ordered by the court to be produced before the commencement of section 23 of this Act ;
- (p) the provisions of rules 4 and 5 of Order XIV of the First Schedule, as amended and omitted by section 24 of this Act, shall not affect any order made by the court adjourning the framing of the issues and amending and striking out issues before the commencement of section 24 of this Act ;
- (q) the provisions of rules 1 and 2 of Order XVI of the First Schedule, as amended by section 25 of this Act, shall not affect any application made for summoning of witnesses and time granted to a party to deposit amount for summoning witnesses made by the court before the commencement of section 25 ;
- (r) the provisions of rule 1 of Order XVII of the First Schedule, as amended by section 26 of this Act, shall not affect any adjournment granted by the court and any cost occasioned by the adjournment granted by the court before the commencement of section 26 and the number of adjournments granted earlier shall not be counted for such purpose ;
- (s) the provisions of rules 1, 6A and 6B of Order XX of the First Schedule, as amended or substituted by section 28 of this Act, shall not affect any application for obtaining copy of decree for filing of appeal made by a party and any appeal filed before the commencement of section 28 of this Act, and every application made and every appeal filed before the commencement of section 28 shall be dealt with as if section 28 had not come into force ;
- (t) the provisions of rules 1, 9, 11, 12, 13, 15, 18, 19 and 22 of Order XLI of the First Schedule, as amended, substituted or omitted, as the case may be, by section 31 of this Act shall not affect any appeal filed before the commencement of section 31.

and every appeal pending before the commencement of section 31 shall be disposed of as if section 31 of this Act had not come into force.

CHAPTER V

Amendment of the Limitation Act, Samvat 1995.

33. *Amendment of section 12.*—In the Limitation Act, Samvat 1995, in section 12, in sub-section (3), the words “on which the decree or order is founded” at the end shall be omitted.

(Sd.) MOHD ASHRAF,

Additional Secretary to Government,
Law Department.

EXTRAORDINARY

REGD. NO. JK—33



THE
JAMMU & KASHMIR GOVERNMENT GAZETTE

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Separate paging is given to this part in order that it may be filed as a
separate compilation

PART II—B

Notifications, Notices and Orders by the Heads of the Departments.

GOVERNMENT OF JAMMU AND KASHMIR
THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
SRINAGAR/JAMMU.

File No. 757/LC.

D. O. I. : 27-05-2003.

D. O. A. : 31-07-2014.

and

File No. 172/LC.

D. O. I. : 23-04-2010.

D. O. A. : 31-07-2014.

Daulat Ram Sharma
(Field Asstt. J&K SFC)
S/o Shri Lachman Dass

Versus

Management of J&K State
Forest Corporation, Gladni

R/o Karan Basti,
Badyal Brahma,
R. S. Pura, Jammu.

Petitioner

Through its Managing
Director.

Respondent

In the matter of :— Reference/SRO No. 156 dated 20-05-2003 under section 10 of Industrial Dispute Act, 1947.

Award

1. Brief facts of the case are that the petitioner was appointed as Lumber Guard on 1st January, 1976. He was promoted as Field Assistant in the year of 1983 vide State Forest Corporation Order No. 05-05-1983 dated 15-07-1983. Due to his ailment, he could not join his duties. He was not allowed to join his duties and was told that his services have been terminated, but no such order was issued to him. Ultimately the petitioner approached the authority under the payment of Wages Act and during the proceedings, Managing Director issued the termination letter on 14-10-1985 vide Order No. 406 of 1985 w.e.f. 01-01-1984.

2. The Government of Jammu and Kashmir sent the reference to this tribunal on the failure report of the conciliation officer.

3. The petitioner was reinstated with all consequential benefits of salary with interest @ 12%.

4. Being aggrieved by this order, respondents challenged the award of this tribunal in a Civil Court and on their failure in the Civil Court, an appeal was preferred before the Hon'ble High Court. While disposing the appeal, the Hon'ble High Court set aside the award passed by this tribunal and remanded the case with a direction to make a fresh application after impleading the respondent No. 1 & 2. The respondents were directed to take the petitioner back into their emploment at the

same rate which he used to draw on the date of termination and claim of the petitioner with regard to increments shall be decided by the authority under the aforesaid Act. The arrangement made by the Hon'ble High Court was subject to the outcome of the award passed by the Industrial Tribunal, a fresh.

5. Again on the failure report of the conciliation officer, the Government of Jammu and Kashmir send a reference No. 156 dated 20-05-2003 to this court for its adjudication which came to be disposed of on 06-11-2006 in *ex parte* with the allowing findings that :—

“there is no rebuttal to the evidence adduced by the petitioner because the respondent absented from these proceedings and were set *ex parte*. There is thus no alternative for this Court/Tribunal but to accept the claim of the petitioner who has been terminated from the service un-heard. The petitioner was not served with any notice or charge sheeted prior to his termination and thus the respondent has violated the provisions of Industrial Dispute Act. Under the provisions of the said Act it was obligatory on the respondent to issue a notice of proposed termination on the petitioner and also to pay him notice pay in lieu of the said notice. The petitioner was to be charge sheeted and an independent enquiry was to be conducted in the matter but the respondent had failed to do so. It is clear from the evidence that no notice was served upon petitioner and no inquiry was conducted before his termination. The work and conduct of the petitioner during his service period has remained satisfactory as per the certificate issued by the immediate officers of the petitioner. It is clear from the record that the petitioner is trying to get his reinstatement from 1984 and during these more than two decades, the petitioner has faced lot of difficulties but for his no fault.

In the end all the issues raised in the case are decided in favour of the petitioner and against the respondent. The

corporation is in violation of all provisions of Industrial Disputes Act and is hereby set aside. The petitioner is held entitled to reinstatement along with all backwages and other consequential service benefits as if he had never been terminated. The petitioner is also held entitled to interest @ 12% P. A. on all backwages from the date of his termination up to the date of actual payment.

An award is accordingly passed in favour of the petitioner and against the respondent corporation, copy whereof be sent to the Government of Jammu and Kashmir for information and its publication in the Government Gazette.”

6. Again on being dissatisfied by this award dated 06-11-2006, passed to *ex parte* was challenged by the respondents in the Hon’ble High Court and the said award dated 06-11-2006 was set aside with the following directions :—

“Since the objection raised by the petitioner/corporation was preliminary in nature and also purely legal one, therefore, before proceeding further in the case and decide it on the basis of evidence, the Tribunal should have returned a finding on the maintainability of the claim petition.

In these circumstances, I find sufficient ground to allow the present writ petition.

This petition is therefore, allowed and the order impugned is set aside. The matter is remanded back to the Tribunal for a fresh finding on the maintainability of the petition as observed above.

The Tribunal shall take note of the authorities referred by the learned counsel for the petitioner and examine its application on the facts of the case”.

7. Thereafter petitioner filed a fresh application averring therein to dispose of the matter in terms of the directions of the Hon’ble High Court. The court

earlier file No. 757/LC dated 27-05-2003 was called. But due to inadvertence, the original file was not restored to its original number. Whereas, it should have restored to its original number. Office is directed to enter the same file, to its original number. Both these files are clubbed together. The proceeding made in the application/file number 172/LC dated 23-04-2010 be treated as of the original file No. 757/LC dated 27-05-2003.

8. From the pleadings of the parties, following issues were framed :—

1. Whether the present petition is not maintainable in the face of preliminary objections raised by the respondents ? O.P.R.
2. What is the legality or otherwise of the action of the Managing Director, J&K S.F.C., Jammu in terminating the services of its employee namely Shri Daulat Ram, Field Assistant ? O.P.P.
3. To what relief the said employee is entitled to in case the illegality of the action of the Managing Director of the said corporation is established.

Heard arguments and gone through the file.

Issue No. 1

9. Ld. Counsel for the petitioner has argued that the petitioner is facing the agony since 1984 who was terminated from service without adopting due course of law. The order of termination was set aside by this tribunal wide its award order dated 28-04-1994 and 06-11-2006. Both these awards were set aside by the Hon'ble High Court in separate judgements. Now the matter has been remanded for returning the findings on the preliminary issue of the maintainability of the petition. He has further submitted that the respondent is a corporation and as per section 2 sub-clause (J), incorporated by Act No. 46 of 1982, the definition 2(J) of I. D. Act, 1947, the corporation/respondent

10. The arguments of the L.C. for the petitioner has been strongly opposed by the L.C. for the respondent. He has submitted that since the corporation is performing its sovereign functions and the establishment which performs the sovereign work, does not come within the ambit of the definition of the Industry. The Ld. Counsel for the petitioner has submitted further, that the legislation has amended the definition of the Industry in view of the ratio of the judgement passed in a most popular case published as Bangalore Water Supply and Sewerage Board V/S Rajappa, AIR 1978 S. C. 548. Since this judgment has been referred by the bench of 5 Judges of Hon'ble S. C. to Hon'ble Chief Justice of Supreme Court for its reference to a larger Bench of more than 7 Judges. So the amended definition has no relevance and force and has no binding effect and cannot be relied upon. And also argued that the arguments in the case be deferred till the constitution of a larger bench and its disposal.

11. So far as the objections with regard to hearing arguments raised by the Ld. Counsel for the respondent is concerned, I do not hold it good because of the reason that at the time of passing of the order dated 25-02-2010 by the Hon'ble High Court of J&K, His Lordship has considered the reported case titled State of UP V/S Jai Bir Singh 2005 (5)SCC, whereby, their Lordships had already made a reference for constitution of a suitable larger Bench for reconsideration of the judgment of Hon'ble Supreme Court in the case of Bangalore Water Supply and Sewerage Board V/S A. Rajappa. Upon similar analogy Ld. Counsel for the respondent had already produced all relevant authorities before the Hon'ble High Court, when already a reference had been made to the Hon'ble Chief Justice of India for constitution of larger Bench but even then the arguments were heard by the Hon'ble High Court and judgement was passed.

12. Ld. Counsel for the respondent has also submitted that it has been held by a Supreme Court judgment cited as (2005) 5.S.C.C.I, that is not a precedent/authoritative pronouncement. The Hon'ble Court has only questioned the relevance an legal propriety of Bangalore Water Supply case, in view of the changed social and economic conditions

the Apex Court for reconsideration, the views expressed in the judgement of referral court cannot be held to be "Law" within the meaning of Article 141 of the constitution of India. He has further submitted that the Bangalore Water Supply case was decided by a bench of seven judges and it was not a unanimous decision, so this judgement is not a precedent or authoritative force.

13. The Ld. Counsel for the petitioner has submitted in rebuttal that it is only because of judicial propriety and discipline that the Apex Court has deferred the decision in (2005) 13 SCC 691 till the decision is delivered by a larger Bench referred above and it does not preclude the Courts/Tribunals subordinate to the Appex Court to defer the cases involving the interpretation and scope of the expression "Industry" till the larger Bench renders its decision.

14. It is also submitted by the Ld. Counsel for the petitioner that further proceedings cannot be deferred in view of the directions issued by the Hon'ble High Court of J&K wherin by virtue of order dated 25-02-2010, His Lordship has remanded back to the Tribunal for a fresh finding upon the maintainability of the petition in view of observation made in the Judgement. Ld. Counsel further submitted that this Tribunal is under obligation to honour the direction of Hon'ble High Court wherein it has been directed that the Tribunal shall take note of the authorities referred by the Ld. Counsel for the petitioner (Respondent herein above) and examine its application on the facts of the case. Ld. Counsel for the petitioner further submitted that though the matter has been referred to a Larger Bench which has not yet been constituted even after a lapse of more than seven years and therefore poor petitioner cannot be made to suffer for indefinite period and the law has to be applied as it exist as on today and the Bangalore Water Supply and Sewerage case has not been set aside and only a request has been made by few Hon'ble Judges and while referring have given their own reasoning which cannot stand in the way of the petitioner or this tribunal in proceeding further as per the direction of Hon'ble High Court. Ld. Counsel finally submitted that in view of the case law already submitted this tribunal may kindly proceed further and

15. If the arguments of Ld. Counsel for the respondent are accepted, then in view of the reference made by their lordships in a reported judgment above referred, than all the cases of the similar nature pending before the tribunals at the State level as well as national level are to be deferred as the definition of industry is under challenge before the Hon'ble Supreme Court by virtue of a reference. The Hon'ble High Court of the country are also debarred to deal with such matters where the question of industry is pending. There is no reason to agree with the arguments put forth by Ld. Counsel for the respondent as this tribunal is under the directions to return its finding after hearing both the parties to return fresh finding upon the maintainability of the petition itself. While passing order dated 25-02-2010, the order of reference made by their lordship in the year, 2005 was well within the knowledge of Hon'ble High Court and even then this tribunal was directed to return fresh finding upon the maintainability of the petition which means that there is no legal infirmity in case the arguments are heard and fresh finding returned as per the direction of Hon'ble High Court. Therefore to defer the case till the constitution of a larger Bench by the Hon'ble Supreme Court and its decision, will amount to miscarriage of justice since the petition herein above is involved in litigation for years together who cannot be held hostage in particular reference to constitution of larger Bench by the Hon'ble Supreme Court of India. This tribunal is not convinced with the arguments of Ld. Counsel for the respondent where he submitted that since number of similar matters are not being dealt by the Hon'ble Supreme Court of India in reference to pendency of constitution of larger Bench.

16. Definitely the proceedings in all the Industrial Tribunals in the country cannot be stalled where they are dealing the matter with regard to the interpretation of Industry. Had it been so, the Hon'ble High Court had issued such instruction. Rather the Hon'ble High Court has decided that this tribunal adjudicate and decide the preliminary issue at the first instance meaning thereby to proceed with the case.

17. Merely the pendency of a reference to a larger Bench does

is a statute. Until and unless the statute is not amended, the statutory provisions have the binding force.

Reliance is also placed on —

AIR 2005 S.C. 752,

AIR 1988 S.C. 1791(1)

AIR 1992 Andra Pardesh 333

AIR 1973 Orisa 136 (V 60 (48).

18. In 1988 (4) SCC 353, the Hon'ble Supreme Court has held that, one of the cardinal principles of the administration of justice to ensure quick disposal of disputes in accordance with law, justice and equity.

19. By accepting the version on arguments of the Ld. Counsel for the respondent, amount to the disobedience of the order passed by the Hon'ble High Court.

20. The other judgement cited as (2005) 13 sec 691, wherein the Hon'ble Supreme Court has deferred the arguments in the case, because the identical question is pending before the larger Bench. Till the larger Bench is not constituted, the said case has been kept awaited. But the judgement cited by the Ld. Counsel has no direct bearing on the present case, in the facts and circumstances of the case.

21. Supposing if the arguments of Ld. Counsel for the respondents are accepted, then all Industrial Tribunals in the country has to defer the cases directly or indirectly dealing with the question of Industry. There could hardly be a case where the question of industry is not involved and in such a situation, there could be a huge pendency which is not the endeavour of the court/tribunal.

22. It is the trite law that any judgement of the Hon'ble Supreme Court or the Hon'ble High Court has the binding force passed by the majority view. Majority view prevails. He has further submitted that

there could hardly be a judgement without the differing observations passed by the Division Bench or the Larger Bench. But the judgment is to be obeyed in letter and spirit till it is modified or set aside. He has further submitted that the definition of Industry was amended by the Industrial Disputes (Amendment) Act, 1982 and till it is revoked or modified, it is to be relied upon, as it has the statutory force. The statue cannot be over looked.

23. The moot question for disposal is whether the State Forest Corporation is an Industry.

24. While controverting the arguments of the LC for the petitioner, the Ld Counsel for the respondent vehemently argued that State Forest Corporation is not an Industry as defined under section 2 sub-clause (J) of Industrial Dispute Act, 1947 and therefore this Tribunal has no jurisdiction to hear and proceed.

25. So far as this issue is concerned before leaping further, it is apt to reproduce the definition of Industry which is defined u/s 2 (J) of the I. D. Act, 1947 and was incorporated by Amendment Act No. 46 of 1982.

Section (J) "Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft or industrial occupation or avocation of workmen ;

Section 2(J) shall be substituted with effect from the date to be notified as under :—

1. [(J) "Industry" means any systematic activity carried on by co-operation between any employer and his workmen (whether such workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes.]

wants or wishes which are merely spiritual or religious in nature), whether or not :—

- (i) any capital has been vested in for the purpose of carrying on such activity ; or
- (ii) such activity is carried on with a motive to make any gain or profit, and includes—
 - (a) any activity of the Dock Labour Board established under section 5-A, of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) ;
 - (b) any activity relating to the promotion of sales or business of both carried on by an establishment, but does not include—
 1. any agricultural operation except, where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and such other activity is the predominant one.

Explanation.— For the purposes of this sub-clause, “agricultural operation” does not include any activity carried on in a plantation as defined in Cl.(f) of section 2 of the Plantation Labour Act, 1951 (69 of 1951) ; or

2. hospitals or dispensaries ; or
3. educational, scientific, research or training institutions ; or
4. institution owned or managed by organization wholly or substantially engaged in any charitable, social or

5. Khadi or Village Industries ; or
6. any activity of the Government relatable to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence, research, atomic energy and space ; or
7. any domestic service ; or
8. any activity, being a profession practiced by an individual or body of individuals, if the number of persons employed by the individual or body individuals in relation to such profession is less than ten ; or
9. any activity, being an activity carried on by a Co-operative Society or a Club or any other like body of individuals, if the number of persons employed by the Co-operative Society, Club or other like body of individuals in relation to such activity is less than ten.]”

26. This particular section seems to be an outcome of historic judgement rendered by their lordships AIR 1978 SC 548 titled Bangalore Water Supply and Sewerage V/S A. Rajappa wherein their lordship while interpreting the scope of the word “Industry” rather enlarged its scope and while doing so also referred the words of “Lord Denning” justice who wrote that “when a defect appears a judge cannot simply fold his hands and blame the draftman. He must set to work on the constructive task of finding of intension of parliament and then he must supplement the written words so as to give force and life to the intension of legislature. A judge should ask himself the question how, if the makers of the act had themselves come across this ruck in the texture of it, they would have straightened it out. He must then do as they would have done. A Judge must not alter the material of which the act is

27. The another limb of the L.C. for the petitioner is that the petitioner has preferred an application averring therein that the applicant was illegally terminated by the management of the respondent. An Industrial Dispute was raised with regard to the illegal termination of the applicant. The government of J&K vide notification SRO No. 165 dated 20-05-2003 referred above titled Industrial Dispute to this Hon'ble Court for adjudication.

28. That this Court has decided the case in favour of the applicant vide order dated 06-11-2006 and set aside the termination order of the applicant by holding that the termination of the applicant by the respondent corporation is in violation of all the provisions of Industrial Disputes Act. The applicant was held entitled to reinstatement along with all back wages and other consequential service benefits as if he had never been terminated. The applicant was also held entitled to interest @ 12% P.A. on all back wages from the date of his termination up to the date of actual payment.

29. There is no denial that the Bangalore Water Supply case has been referred to a larger Bench for reconsideration with respect to the interpretation of the expression "Industry".

30. He has again repeatedly argued that J&K State Forest Corporation is an industry within the meaning of Industrial Disputes Act, 1947.

31. So far as the maintainability of the petition is concerned, it has to follow from the provisions of the definition of Industry which classified as Section 2 (J) and the same has already been reproduced in the preceding paras.

32. Every corporation is an establishment which carries its business to make gain or profit and perform the activities for the promotion of sales or business both.

33. It has come in the evidence of the petitioner that the petitioner was working in the respondent corporation since 1979 which came into

as the corporation used to buy trees from the Forest Department and then sold it from Jammu Depot. There are five depots in Jammu and one at Pathankot. Corporation used to purchase the trees from the Forest Department and sell it in the open market. Corporation used to prepare the balance sheet which is usually prepared by the corporate Sector, carrying the commercial activities.

34. The evidence lead by the petitioner has not been rebutted by the respondent by oral or documentary evidence. Rather no evidence has been tendered by the respondent. So there is no justification to reject/discard the evidence of the petitioner, to the extent that the respondent corporation is doing the commercial activities. When the corporation is performing the commercial activities, then it comes within the definition of Industry.

35. This is the cardinal principle of law that a person who asserts the existence of a particular fact, has to prove it by leading a cogent evidence.

36. In Coir Board, Ernakulam V/S Indira Devi 1999 (i) L.L.J. 1109 (S), it was held that "Decision of Constitution Bench Consisting of Seven Judges in Bangalore Water Supply Case, reported in 1978 (i) LLJ 548 (SC) on the definition of Industry does not require any reconsideration on a reference made by the two Judge Bench.

37. Discharge of sovereign functions by itself would not exempt an undertaking to be an Industry given departments of the Government discharging Sovereign functions have been held to be Industry, if it is proved that it is dealing with the trade and business. Reliance is placed on Agricultural Produce Market Committee V/S Ashok Harikni 1990 (1) LLJ 89 (Kant) (DB).

38. Even the Primary Agricultural Co-operative Society, Punjab (Des Raj V/S State of Punjab) 1988 2 SCC 537, Forest Department (Chief Conservator of Forests V/S J. Maruti Kondhare 1996 (i) LLJ. 1223 (SC) have been declared the Industry by the Hon'ble Supreme Court.

39. So far as the facts of the case titled Chief Conservator of
Forests V/S Jagannath Munda V/S State of Jharkhand

it was a "Social Forestry Department" of the State which is a Welfare Scheme undertaken for the improvement of the environment. But here in this case the respondent is corporation dealing with the sale of timber and is doing its word for gain and performing its commercial activities.

40. Ld. Counsel for the respondent has further asserted that since the matter has been referred to a larger Bench so the proceedings in this case cannot proceed and must be deferred. In this regard I have perused the file, which transpires that his objection to this extent has already been disposed off by this tribunal vide order dated 14-01-2013 thereby rejecting the prayer of the respondent.

41. Keeping in view of the facts and circumstance of the case and the discussions made above, one can easily say that the respondent, Management of J&K State Forest Corporation is an Industry. According, the respondent is declared an Industry in view of the discussion made above. Issue No. 1 is decided in favour of the petitioner and against the respondent.

ISSUE No. 2

42. The evidence lead by the petitioner and his witnesses has proved that the petitioner was appointed as lumber guard in the respondent department and then promoted as field assistant who continuously worked till 2nd April, 1984 when his services were terminated by the respondent. The petitioner during service fell ill and submitted leave application and then got treatment in Jammu and remained under the treatment of Dr. V.D.S. Jamwal till 2nd April, 1984. This contention of the petitioner is supported by the said doctor who has appeared as a witness before this Court. P.W. Chuni Lal has also supported the claim of the petitioner that he was working in the respondent corporation continuously from 1976 till 1984 and the fault of the petitioner was only that he fell ill.

43. There is no rebuttal to the evidence adduced by the petitioner because the respondent absented from these proceedings and were set *ex parte*. There is thus no alternative for this Court/Tribunal but to

service unheard. The petitioner was not served with any notice or chargesheet prior to his termination and thus the respondent has violated the provisions of Industrial Disputes Act. Under the provisions of the said act it was obligatory on the respondent to issue a notice of proposed termination on the petitioner and also to pay him notice pay in lieu of the said notice. The petitioner was to be chargesheeted and an independent enquiry was to be conducted in the matter but the respondent has failed to do so. It is clear from the evidence that no notice was served upon petitioner and no inquiry was conducted before his termination. The work and conduct of the petitioner during his service period has remained satisfactory as per the certificate issued by the immediate officers of the petitioner. It is clear from the record that the petitioner is trying to get his reinstatement from 1984 and during these more than two decades, the petitioner has faced lot of difficulties but for his no fault.

44. Respondent has taken various grounds in their objections but has not taken any pain to prove those allegations by leading any oral or documentary evidence. It is the trite law that one who asserts the existence of a fact, has to prove beyond all reasonable doubts. The respondent was contesting its case only legal basis and no steps were taken to prove the factual aspects of the case from the proceedings.

45. In short, for the foregoing discussions issue No. 2 is decided in favour of the petitioner and against the respondent. The termination of the petitioner was illegal as it is made in the utter violation of the basic principles of law besides the Industrial Disputes Act. In the circumstances of the case, it is held that the termination of the petitioner by the management is illegal unwarranted, uncalled for and against the principles of natural justice and the termination of the petitioner is set aside.

ISSUE No. 3

46. Since the termination of the petitioner has been held illegal, so the next question comes for consideration to what extent the petitioner

47. Before proceedings further the provisions of section 25-F of Industrial Disputes Act are imperative to reproduce.

Section 25-F :—Condition precedent to retrenchment of workman, no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice ;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days, average pay (for every completed year of continuous service) or any part thereof in excess of a six months ; and
- (c)

48. From bare perusal of Section 25-F, it is found that the Workman who has completed 240 days in the year preceding his termination cannot be retrenched without giving one month notice and notice pay etc.

49. In case Mohan Lal V/S Bharat Electronics Ltd. (1981) II LLJ 70 (SC), it was held by Hon'ble Supreme Court that, termination of service of a workman for any reason other than those excepted in Section 2 (oo) amounts to retrenchment. If pre-requisite for a valid retrenchment have not been complied with, the termination of service would be void *ab initio*. Therefore, the workman would be entitled to a declaration that the workman continued to be in service with all consequential benefits.

50. The reliance can also be made in case Ramesh Kumar V/S State of Haryana, 2010 (I) LLJ 821 SC, wherein, Hon'ble Supreme

51. In the present case, admittedly, no notice or notice pay etc. has been given to the petitioner, and the termination of the workman has been held illegal termination. Once it is held that the termination was illegal, the Workman is entitled for legal benefits.

52. From the perusal of the above stated provisions of section 25-F of I. D. Act, 1947, it is mandatory for the respondent/management to abide by the provisions of the I. D. Act.

53. The Hon'ble Supreme Court in the Management of Panitole Tea Estate V/S The Workman 12, while dealing with the judicial discretion of the Labour Court or the Tribunal under ID Act in directing appropriate relief on setting aside the wrongful dismissal of a workman, stated in paragraph 5 (pgs. 746-747) as follows :—

“.....The question whether on setting aside the wrongful dismissal of a workman, he should be reinstated or directed to be paid compensation is a matter within the judicial discretion of the Labour Court or the Tribunal, dealing with the industrial dispute, the general rule in the absence of any special circumstances being of reinstatement. In exercising this discretion, fair play towards the employee on the one hand and interest of the employer, including considerations of discipline in the establishment, on the other, require to be duly safeguarded. This is necessary in the interest, both of security of tenure of the employee and of smooth and harmonious working of the establishment. Legitimate interests of both of them have to be kept in view, if the order is expected to promote the desired objective of industrial peace and maximum possible production. The past record of the employer, the nature of the alleged conduct for which action was taken against him, the grounds on which the 11 (1969) 3 SCC 653 12 (1971) 1 SCC 742 order of the employer is set aside, the nature of the duties performed by the employee concerned and the nature of the Industrial establishment are some of the broad relevant factors which

are merely illustrative and it is not possible to exhaustively enumerate them. Each case has to be decided on its own facts and no hard and fast rule can be laid down to cover generally all conceivable contingencies.....”.

54. It has also been observed in 2003 LLR136 by Hon'ble Allahabad High Court in case titled M/s DCM Ltd. V/S state of Uttar Pradesh and Ors. as under :—

“UP Industrial Disputes Act, 1947, section 2 (s) and 6N-Industrial Disputes Act, 1947 section 25-F, retrenchment-striking off the name of workman from the rolls-constitutes retrenchment-conditions precedent for valid termination as contemplated by section 6-N or 25-F of Central Act not complied with Labour Court rightly held that termination of service amounted to illegal retrenchment was not gainfully employed-rightly awarded full back wages”.

55. In M/s Tulsidas Paul V/S The Second Labour Court, W. B. and others 13, this Court relied upon M/s Hindustan Steel Ltd. 10 and held as under :—

“9. In Hundistan Steel Ltd. V. Roy [(1969) 3 SCC 513] we recently held, after considering the previous case-law, that though the normal rule, in cases where dismissal or removal from service is found to be unjustified, is reinstatement, Industrial Tribunals have the discretion to award compensation in unusual or exceptional circumstances where the tribunal considers, on consideration of the conflicting claims of the employer on the one hand and of the workmen on the other, reinstatement inexpedient or not desirable. We also held that no hard and fast rule as to which circumstances would constitute an exception to the general rule can be laid down as the tribunal in each case must, in a spirit of fairness and justice and in keeping with the objectives of industrial adjudication, decide whether it should, in the interest of justice, depart from the general rule.”

56. Reliance is also placed on 2013 AIR SCW 5330 wherein the Hon'ble Supreme Court has observed in para 33 of the Judgement which is reproduced as under :—

“Para 33. The propositions which can be called out from the aforementioned judgement are,—

- (i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule ;
- (ii) The aforesaid rule is subject to the rider that while deciding the issued of back wages, the adjudicating authority or the Court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.
- (iii) Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averment about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead

and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.

- (iv) The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11-A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/ workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved, then it will have discretion not to award full back wages. However, if the Labour Court/ Industrial Tribunal finds that he employee or workman is to at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.
- (v) The cases in which the competent Court or Tribunal finds that the employer has acted in gross violation of the Statutory provisions and/or the principles of natural justice or is guilty of victimizing the employer or workman, then the concerned Court or Tribunal will be fully justified in directing payment of full back wages. In such cases, the superior Courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court etc. merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The courts must always be kept in view that in the cases of wrongful/illegal termination of service, the wrongdoer is the employer and sufferer is the employee/workman and there is no justification to give premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/ workman his dues in the form of full back wages.

- (vi) In a number of cases, the superior courts have interfered with the award of the primary adjudicatory authority on the premise that finalization of litigation has taken long time ignoring that in majority of case the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalized. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-a-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer i.e. the employee or workman, who can ill afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in Hindustan Tin Works Private Limited Vs. Employee of Hindustan Tin Works Private Limited (AIR 1979 SC 75) (*supra*).
- (vii) The observation made in J.K. Synthetics Ltd. Vs. K.P. Agrawal (*supra*) that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgement of the judge Benches referred to hereinabove and cannot be treated as good law. This part of the judgement is also against the very concept of reinstatement of an employee/workman.”

57. Since the termination of the petitioner, Daulat Ram by the respondent corporation is in violation of all provisions of Industrial Disputes Act and is hereby set aside. The petitioner is held entitled to reinstatement along with all back wages and other consequential

service benefits as if he had never been terminated. The petitioner is also held entitled to interest @ 12% P. A. on all back wages from the date of his termination up to the date of actual payment.

58. An award is accordingly passed in favour of the petitioner and against the respondent corporation. Copy whereof be sent to the Government of Jammu and Kashmir for information and its publication in the Government Gazette.”

59. File shall go to records after its due completion.

Announced :

Dated : 31-07-2014.

(Sd.) KISHORE KUMAR,

District and Sessions Judge
(Presiding Officer),
Industrial Tribunal/Labour Court,
J&K, Jammu.

